



W.P.(MD) No.22284 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.22284 of 2016
and
W.M.P.(MD) No.15971 of 2016

Arumugam @ Pothirajan

... Petitioner

/vs./

1.The District Registrar,
(Administration),
Madurai North,
Madurai.

2.The Sub Registrar,
Alanganallur,
Madurai.

3.The District Revenue Officer/Special Officer,
(Temple Lands),
Madurai.

4.T.Santhees

5.K.Muniyandi

*(R4 and R5 have been impleaded vide
order dated 06.01.2025)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent in Me.Mu.No.6/2016, dated 12.09.2016 and quash the same as illegal and arbitrary and in consequence thereof direct the 2nd Respondent to register the Lease Deed dated 03.03.2016 entered between the petitioner and the trustees of Sri Thiravia Lingeswarar Temple Private Trust at once.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1 to R3	: Mr.M.Sarangan
	Additional Government Pleader
For R4 & R5	: Mr.A.Mathan

ORDER

The challenge in the writ petition is to an order passed by the first respondent/District Registrar confirming the refusal check slip issued by the second respondent.

2. The reason assigned by the respondents 1 and 2 in refusing to register the lease deed executed by the respondents 4 and 5 in favour of the petitioner is that the lands belong to the temple, in which auction is sought to be initiated under HR & CE Act to list the temple for bringing it under the purview of the HR & CE Act.



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3. Pending this writ petition, the Commissioner of HR & CE had issued a communication to the Assistant Commissioner, HR & CE, Madurai, indicating that 'Keeraithurai Thiraviyalingeswarar Samathi' cannot be brought under the definition as defined under Section 6 of the Act to declare the same to be a public temple and also had advised the Assistant Commissioner concerned to drop the proceedings to bring the same under the purview of the HR & CE Act. The said communication had been made pending this writ petition and in view of the said communication, the impugned order made by the respondents 1 and 2 cannot be sustained.

4. In fine, the Writ Petition stands allowed and the impugned order is set aside. The second respondent is directed to take on record the document filed by the petitioner seeking to register the tenancy executed by the respondents 4 and 5 and if the same is otherwise in order entertain the same in accordance with law. Such exercise shall be made by the second respondent within a period of 2 weeks from the date of presentation of such document before him by the petitioner.



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However, there shall be no order as to costs. Consequently, connected

Miscellaneous Petitions are closed.

Index : Yes / No

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Internet : Yes / No

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K.KUMARESH BABU, J.

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