BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.25130 of 2024

Sangeetha ... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Y.Othakadai,
Madurai, Madurai District.

2.The Executive Officer,
Arulmigu Kalamega Perumal Thirukovil,
Thirumohur,
Madurai District-625 107. ...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st respondent to register the document to be submitted by the petitioner with regard to plot Number 77 in Perumal Nagar situated in Survey No.49/1A and 49/1B in Thirumogur Village, Madurai North Taluk (Presently Madurai East Taluk), Madurai District, measuring 2 cents and 204 sq feet (1076 sq.ft) and hand over the original documents to the petitioner.

For Petitioner : Mr.G.Chandrasekar

For R1 : Mr.S.Saji Bino

Special Government Pleader

For R2 : Mr.S.Manohar

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the 1st respondent to register the document to be submitted by the petitioner with regard to plot Number 77 in Perumal Nagar situated in Survey No.49/1A and 49/1B in Thirumogur Village, Madurai North Taluk (Presently Madurai East Taluk), Madurai District, measuring 2 cents and 204 sq feet (1076 sq.ft) and hand over the original documents to the petitioner.

2. The 1st respondent has stated that the land is having a zero guideline value, therefore, they cannot register the same. Hence, the petitioner has filed the present writ petition.

3.The learned Counsel appearing for the second respondent submitted that the land belongs to the temple. However, the said issue regarding the same temple has already been considered in W.P.(MD)Nos.18664 to 18670 of 2022, vide order, dated 20.08.2024, wherein it has been held if the Ryotwari patta is issued under Section 8(2)(i)(b) of the Act, the appropriate remedy available to the temple is to file a suit. The relevant portion of the order is extracted hereunder:

"5. The only contention of the learned counsel appearing for the

third respondent that though patta has been granted, the document can be released after proving of payment of consideration.

6. At the outset, the contention of the third respondent cannot be countenanced for the simple reason that the Settlement Tahsildar (Minor Inams) in its proceedings in S.R.No.1801/M/I.Act/MDU Taluk, dated 17.05.1967, has held as follows:

"The present occupants of S.No.49/1 have been in exclusive possession and this land for a continuous period for than 12 years before 01.04.1960 deriving right through first transferee Doraisami Asari. They have also expressed their willingness to pay the consideration to be fixed by the Government. Hence, they are entitled to ryotwaripatta for S.No.49/1 under Section 8(2)(i)(b) of the Act subject to the payment of the consideration due to Government."

Whether the amount has been paid or not is a matter between the Government and the petitioners. Once patta has already been granted, now the third respondent cannot claim title over the subject property and they cannot refuse the registration merely on the allegation that the amount has not been paid. The proceedings of the Settlement Tahsildar, dated 17.05.1967 has been reached finality and the title has been decided in the said proceedings. At this stage, the temple cannot make an objection to the Sub-Registrar for registering the documents in respect of the subject property.

7. In such view of the matter, there shall be a direction to the second respondent to register the documents presented by the petitioners, within a period of two weeks from the date of receipt of a copy of this order. If the third respondent is able to establish his title before the competent civil Court, it is always open to the third respondent to establish the same and retrieve the possession under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959."

4.As as far as the zero guideline value is concerned, the Honourable Division Bench of this Court has also considered the same in W.A.(MD)Nos.2171 of 2024 and batch, vide order, dated 29.10.2024, wherein it is stated as under:

> *"2.The learned Single Judge has found that pattas have been granted to the individuals by the Settlement Tahsildar as early as on 17.05.1967 on condition. There was nothing on record to show that amounts have not been paid. Once patta has been granted and the order of the Settlement Tahsildar after hearing the temple, has reached its finality, the land will vest with the pattadars and the temple will not have any title. The prayer for Writ of Mandamus to register a document to be executed was forced to be made because of the fact that the registration department had put "zero" value for the land thereby, making registration impossible. The Writ Court has also protected the right of the temple to establish its title before a competent Civil Court. Hence, we do not see any reason to interfere with the order of the Writ Court and the writ appeals fail and they are accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed. "*

5.If the document is presented, the 1st respondent shall correct the guideline value and register the same. For registering the same, the 1st respondent shall ascertain the guideline value by taking into consideration of the earlier guideline value and the present guideline value imposed for the land which is situated nearby the petitioner mentioned land.

6.With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

29.07.2025
(7/8)

NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg

To

The Sub Registrar,
Office of the Sub Registrar,
Y.Othakadai,
Madurai, Madurai District.

S.SRIMATHY, J.

Tmg

ORDER MADE IN
W.P(MD)No.25130 of 2024

DATED : 29.07.2025
(7/8)