



W.P(MD)No.28141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28141 of 2025

A.Vasanthi

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Melakarur,
Karur District.

2.Arul Migu Balasubramani Swamy Temple,
Represented by its
Executive Officer,
Vennamalai,
Karur,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in No.338/2025 dated 22.08.2025 passed by the first respondent herein and quash the same as illegal and further direct the first respondent herein by accepting the stamp duty as



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per the value of the decree in O.S.No.120 of 2004 on the file of the District Court, Karur and register the sale deed dated 03.04.2025 and release the same pertaining to S.Nos.588 and 593 to an extent of Acre 0.93 cents out of 16.00 Acres in Athur Village, Karur Taluk now Manmangalam Taluk and Karur District within a time stipulated by this Court.

For Petitioner : Mr.Raguvaran Gopalan
for Mr.E.Niresh Kumar

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1

Mr.P.Athimoolapandian
for R.2

ORDER

Heard both sides.

2.The writ petitioner herein filed O.S.No.120 of 2004 on the file of the District Judge, Karur seeking specific relief. The suit was decreed on 28.10.2020. A.S(MD)No.240 of 2021 filed by the first defendant was dismissed by this Court on 14.06.2023. Thereafter, the writ petitioner filed EP and obtained sale deed in her favour. The document was



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presented for registration. The registering authority declined to register the document on the ground that objection has been received from the second respondent temple. Aggrieved by the same, the writ petitioner herein filed W.P(MD)No.15636 of 2025. This Court vide order dated 10.06.2025 set aside the order of the registering authority and remanded the matter for fresh consideration. The registering authority was mandated to enquire into matter and pass a speaking order in terms of the Hon'ble Supreme Court in ***Sudha Ravi Kumar's*** case (***2017 (3) CTC 135***).

3.Pursuant thereto the impugned order dated 22.08.2025 came to be passed rejecting the request of the petitioner for registering the document. The writ petitioner was called upon to go before the jurisdictional civil Court. Aggrieved by the same, this writ petition has been filed.

4.In normal circumstances, this Court would not enter into the merits of the matter. The learned counsel for the petitioner pointed out that the document in question pertains to two survey numbers, namely,



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588 and 593. It is specifically pointed out that as regards Survey No.588, there is no objection from any quarter. The records clearly indicate that Survey No.588 had throughout stood only in the name of the private parties. There is no opposition from the temple in respect of Survey No. 588. Therefore, the impugned order has to be interfered with definitely to this extent.

5.As regards Survey No.593, the learned counsel on instructions from the writ petitioner categorically states that the writ petitioner would not alienate or encumber the property in any manner till the current issues are resolved. This undertaking given by the writ petitioner as regards Survey No.593 is placed on record.

6.It is seen that in respect of Survey No.593, the settlement proceedings had entered in favour of the private parties. Aggrieved by the same, the temple filed inam C.M.A.Nos.1 and 2 of 2000 on the file of III Additional Sub Court, Trichy. It is not in dispute that there is no interim order in favour of the temple in the said appeal. Thus, the current position is that temple has no right over the Survey No.593. Only if the



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enam C.M.As filed by the temple are allowed, the temple will have right over Survey No.593. The undertaking given by the writ petitioner is to the effect that her rights over Survey No.593 will abide by the outcome of the aforesaid enam C.M.A.Nos.1 and 2 of 2000 on the file of III Additional Sub Court, Trichy. Since as on date the temple has no legal right as such, the registering authority is not justified in refusing to register the document. Registration of document also will not prejudice the rights on the temple because of the undertaking now given by the writ petitioner before this Court. In view of the same, the order impugned in this writ petition is set aside.

7.The registering authority is directed to register the petition mentioned sale deed and release the same subject to the fulfilment of the other usual formalities. It is unfortunate that the appeals filed by the temple have remained pending for close to quarter of a century. The learned III Additional District Judge, Trichy is directed to dispose of the enam C.M.Ps on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. There will be one difficulty. If parties have died and legal heirs have not been



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brought on record, the period of three months will start counting from the day when all the parties are brought on record. Since the writ petitioner's rights have at last fructified only now, liberty is granted to the writ petitioner to get herself impleaded in the aforesaid CMAs. As and when such IA is filed, it shall be allowed without much ado.

8.This Writ Petition is allowed accordingly. No costs.

09.10.2025

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

To

1.The Sub Registrar,
Sub Registrar Office,
Melakarur,
Karur District.

2.The Executive Officer,
Arul Migu Balasubramani Swamy Temple,
Vennamalai,
Karur, Karur District.

Copy to

III Additional District Judge, Trichy.

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G.R.SWAMINATHAN, J.

MGA

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