



W.P.No.26890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 28.08.2025

Pronounced on: 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26890 of 2025

&

W.M.P.Nos. 30205 and 30206 of 2025

1.V.Vishveshwaran

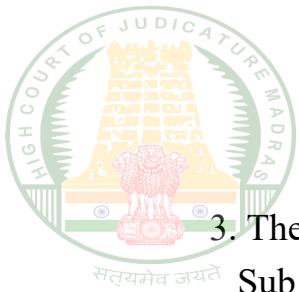
2.M.Usha Devi

... Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Tiruppur – 638 004.

2. A/m Sellandiamman Thirukkoil,
Represented by its Thakkar,
Vellakovil – 638 111
Kangeyam Taluk,
Thiruppur District.



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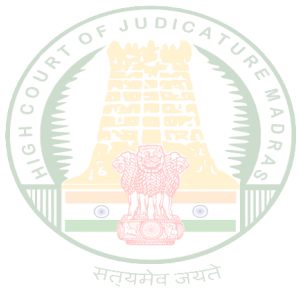
3. The Sub Registrar,
Sub Registrar Office,
Vellakoil – 638 111.
Thiruppur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders made in Na.Ka.No.919/2020/A4 dated 02.09.2020 passed by the 1st respondent herein and the consequent refusal slip passed by the 3rd respondent in RFL/Vellakoil/15/2022 dated 03.07.2025 refusing to register the lease deed and quash the same and consequently direct the 3rd respondent herein to register the lease deed dated 03.07.2025 and any other documents in future in respect of the property measuring 4 acres and 85 cents R.S.No.572/2C2D, 572/2C2C, 572/2D, Vellakoil Village, Kangeyam Taluk, Tiruppur District.

For Petitioner : Mr. Naveen Kumar Murthy
for Mr.V.P.K.Gowtham

For R1 & R2 : Mr. N.R.R.Natarajan
Special Government Pleader (HR & CE)



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For R3

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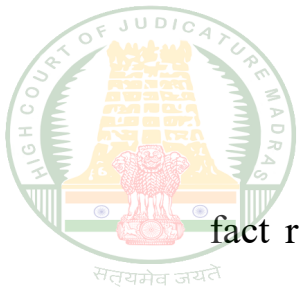
Mr.U.Baranidharan

Special Government Pleader

ORDER

The present writ petition is filed challenging the refusal slip dated 03.07.2025, whereby the lease deed which was presented for registration was refused on the premise that the 1st respondent had addressed a communication requesting the 3rd respondent not to register any document in respect of property comprised in RS.No.572/2C2D, 572/2C2C, 572/2D, Vellakoil Village, Kangeyam Taluk, Tirupur District, (hereinafter referred to as the “subject property”), stating that the subject property belonged to the 2nd respondent temple.

1.1. Though facts are set out in detail in the affidavit, I am not inclined to examine the same in its entirety, inasmuch as this Court prima facie finds that writ petition involves disputed questions of

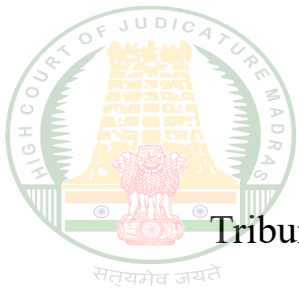


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fact relating to title. In view thereof, this Court shall give a brief outline of the facts necessary for disposing of the present writ petition.

2. Brief Facts:

2.1. Petitioner submit that originally ryotwari patta in respect of the property comprised in S.No.572/A, measuring an extent of 23.11 acres out of 31.61 acres was granted in favour of 2nd respondent by Settlement Tahsildar vide order dated 31.12.1967 under the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, thereby rejecting the claim made by petitioner's great grandfather Late Duraisamy and other claimants. Challenging the said order, an appeal came to be filed by petitioners' Great Grandfather Late Duraisamy and other claimants in CMA.Nos.290 and 291 of 1968 before the Minor Inams Tribunal, Coimbatore.



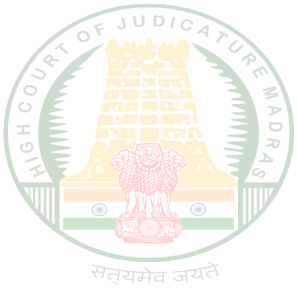
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Tribunal allowed the appeal in CMA.No.290 and 291 of 1968, vide

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its common judgment dated 18.09.1970 by setting aside the order of the Settlement Tahsildar. The 1st petitioner's Great Grandfather late Mr.Duraisamy Gounder was granted patta in terms of Section 8 (2) (i) (b) of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 in respect of 10 acres 40.25 cents in S.No.572/A subject to payment of consideration as determined and prescribed under the Act.

2.2. With regard to appeal in CMA.No.290 of 1968, the same was allowed in part and order of Settlement Tahsildar was set aside and the appellants therein were given patta in respect of 8.38 acres in S.No.572/A and temple was granted patta in respect of remaining land. Pursuant thereto, the Tahsildar vide proceedings dated 27.07.1973, fixed a value of fair rent to be paid by pattadhars.



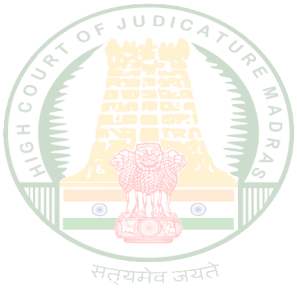
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2.3. It is submitted by the learned counsel for petitioner that

the above amount were paid and temple may have no right over the subject property, thus resistance by the temple for registration of the lease deed dated 03.07.2025 presented by the petitioners is illegal and arbitrary.

3. To the contrary the Learned Special Government Pleader for HR & CE would submit that the entire extent of land comprised in S.No.572 is shown as Temple land. Moreover, the Joint Commissioner, HR & CE (1st respondent herein) vide his communication dated 02.09.2020 in Na.Ka.No.919/2020/A4, had reiterated that the subject property in its entirety belongs to the temple.

4. This court is not inclined to entertain the writ petition against the refusal check slip for two reasons viz.,



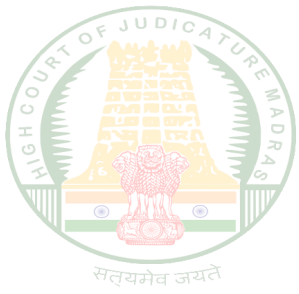
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a) Disputed questions of fact relating to title are involved,

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b) Writ petition is premature inasmuch as Petitioner not having been put on notice of the reasons for refusing registration of subject Lease Deed prior to the issuance of refusal slip, had no opportunity to put forth his explanation to the reasons in the refusal slip.

5. In the circumstances, this court is of the view that it is only appropriate that the petitioners may re-present the document along with their response to the reasons set out in the refusal slip. On receipt of such response/explanation by the petitioners, the same shall be considered after affording petitioners, the 2nd respondent temple and any other interested parties a reasonable opportunity of hearing, 3rd respondent shall proceed to register the document, if the explanation offered is acceptable and the document presented for registration is otherwise in order.



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6. In view thereof, the writ petition stands disposed of with the following directions:

i) It is open to the petitioners to re-present the lease deed dated 03.07.2025 along with their response to the reasons set out in the refusal slip along with any documentary evidence in support thereof.

ii) On receipt of such response from the petitioners, 3rd respondent shall issue notice and afford an opportunity of hearing to the petitioners, 2nd respondent Temple and any other interested parties.

iii) The 3rd respondent after conducting a proper enquiry shall proceed to register the lease deed, if the explanation submitted is acceptable and documents presented for registration is otherwise in order. If for any reason, the 3rd respondent is of the view that the lease deed ought not to be registered, 3rd respondent shall pass



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appropriate orders under Section 71 of the Registration Act.

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iv) The above exercise shall be completed within a period of 3 weeks from the date of uploading the order without waiting for certified order copy.

7. This writ petition is disposed of with the above observation.

Consequently, connected miscellaneous petitions are closed. No costs.

24.11.2025

kan/spp

Index : yes/no

Internet : yes/no

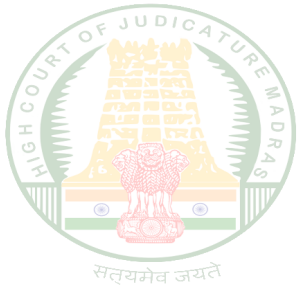
Speaking Order / Non-Speaking Order



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To:
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1. The Joint Commissioner,
Hindu Religious and Charitable,
Endowment Department,
Tiruppur – 638 004.
2. A/m Sellandiamman Thirukkoil,
Represented by its Thakkar,
Vellakovil – 638 111
Kangeyam Taluk,
Thiruppur District.
3. The Sub Registrar,
Sub Registrar Office,
Vellakoil – 638 111.
Thiruppur District.



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MOHAMMED SHAFFIQ J.

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