

W.P.(MD)No.12662 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.12662 of 2026

and

W.M.P.(MD)Nos.9529 and 9531 of 2026

R.Muthusamy

...Petitioner

Vs.

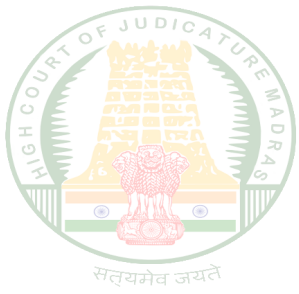
1.The District Registrar,
Registration Department,
Palani, Dindigul District.

2.The Sub Registrar,
Office of the Sub Registrar,
Ottanchathiram,
Dindigul District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Letter of the third respondent Na.Ka.No.3089/2010/A3 dated 10.11.2016 insofar as Sl.Nos.5, 6, 9 and 16 are concerned and quash the same and consequently direct the respondents 1 and 2 herein to register the documents pertaining to survey numbers covered by order of Settlement Tahsildar, Unit No.II, Branch Settlement Officer, Madurai-2 in Roc.C/4081/81 dated 29.04.1981, in favour of petitioner's father.



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For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The Writ Petition is filed challenging the impugned order dated 10.11.2016. The said impugned order is in the nature of a communication issued by the Assistant Commissioner, H.R. & C.E. Department, addressed to the District Registrar, Palani, stating that the survey numbers mentioned therein belong to the Temple and requesting that no document be registered in respect of the said properties.

2. Ordinarily, this Court, treating such communication as one issued under Section 22-A of the Registration Act, 1908, would direct the District Registrar to follow the Division Bench judgment in **Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others**¹, wherein it has been held that such a communication is not binding on the Sub-Registrar, and that, as and when any document is presented, the Sub-Registrar shall issue notice to the executant, claimant, and the Temple, conduct a *prima facie* summary enquiry, and pass orders based on subjective satisfaction, leaving it open to the

¹ (2017) 3 CTC 135



aggrieved party to prefer an appeal. However, in the present case, it is brought to the notice of this Court that the very same impugned order was already quashed by this Court in **K.Boologamuthu and others vs. The District Registrar, Palani, Dindigul District and others²**, in respect of similarly placed persons. In the said case, upon finding that Ryotwari Patta had already been issued in favour of the individuals by the Settlement Tahsildar, this Court quashed the very same impugned order, while granting liberty to the Temple to establish its title before the competent Civil Court. Significantly, the said order was not confined to the petitioners therein, but the impugned communication dated 10.11.2016 itself was set aside. The operative portion of the order passed by this Court as contained in Paragraphs 8 and 9 is extracted hereunder for ready reference:-

"8.A perusal of the order makes it very clear that ryotwari patta had been issued in the name of the predecessor in title of the petitioners. This order reached finality. Once the order is passed under the Act 30 of 1963, it will bind the parties under Section 46 of Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, which makes it very clear that any order passed by any officer, the Government or other authority or any decision of the Tribunal or the Special Appellate Tribunal under this Act in respect of matters to be determined for the purposes of this Act shall, subject only to any appeal or revision provided under this Act, be final. Therefore, without challenging the said order, mere giving a letter to

2 W.P.(MD)No.11853 of 2018, dated 18.09.2024



the registering authorities, restraining the lawful owner from enjoying the property will in fact infringe the constitutional right of the parties.

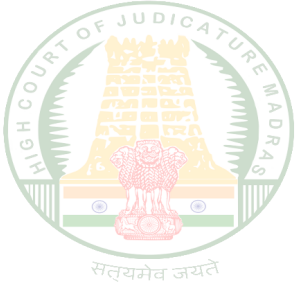
9. In such view of the matter, the impugned order of the 3rd respondent dated 10.11.2016 is quashed and this Writ Petition is allowed accordingly. If the temple authorities is still of the view that the properties in question belonged to them, it is for them to establish their title in proper manner. The registering authorities are directed to register the document, if any presented, in respect of the properties in question as per law. No costs. Consequently, connected miscellaneous petitions are closed."

3. In the present case also, the learned Additional Government Pleader is unable to dispute that the petitioner has been granted Ryotwari Patta by the Settlement Tahsildar, and that the impugned order under challenge is the very same communication dated 10.11.2016.

4. In view of the above, this Writ Petition is allowed on the following terms:-

(i) The impugned order dated 10.11.2016 in Na.Ka.No. 3089/2010/A3 is quashed insofar as the petitioner is concerned.

(ii) If the Temple authorities still claim title over the properties in question, it is open to them to establish their rights before the competent Civil Court in the manner known to law.



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(iii) The registering authorities are directed to register any document presented by the petitioner or any person claiming through the petitioner, in accordance with law, if there is no other legal impediment.

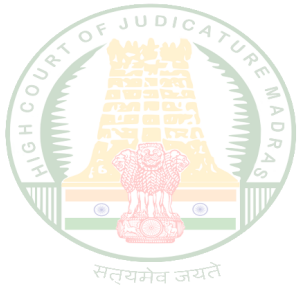
No costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes / No
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To

- 1.The District Registrar,
Registration Department,
Palani, Dindigul District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
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- 3.The Assistant Commissioner,
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D.BHARATHA CHAKRAVARTHY, J.

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