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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.09.2026

Pronounced on: 01.10.2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

Case QR

THE HON'BLE MR.JUSTICE K.RAJASEKAR

WA No. 3470 of 2024

CNR:{HCMA011942972023}

AND
CMP NO. 27011 OF 2024

S. Prabhu Shankar
S/o. Shanmugasundaram, No.18, Sr Avenue,

Third Phase, Vilankurichi, Coimbatore 641 035.

..Appellant(s)

Vs

1. The Sub Registrar
   Sub Registrars Office, Kinathukadavu.

2. Executive Officer
   A/m. Mariamman vinayagar Temple,

   Sulakkal 642 110, Kinathukadavu Tk,
   Coimbatore Dt and appointed as Thakkar /
   Executive Officer, Arulmighu Vinayagar and
   Natrayasamy Temple, S. Mettupalayam,
   Kinathukadavu Taluk,

   Coimbatore Dt.

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3. The Commissioner
Office of the Commissioner of Hindu Religious
and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai, Chennai 34.

4. The Joint Commissioner
Office of the Commissioner of Hindu Religious
and Charitable Endowments Department,
Coimbatore 641 018.

5. The District Collector
Coimbatore District Collectorate Office,

State Bank road, Coimbatore Central,
Coimbatore 641 018.

..Respondent(s)

Writ appeal is preferred under clause 15 of the Letters Patent seeking to set aside the order dated 27.07.2023 in W.P.No. 22102 of 2023 and allow the Writ Appeal as prayed for and thus render justice.

For Appellant(s): Mr.AR.Karthik Lakshmanan

For Respondent(s): Mr.R.Sanjay for R2

- - - -

Judgment

N.Sathish Kumar J.

This writ appeal has been placed before this Bench, since one of the members in the other Division Bench has appeared on behalf of one of the

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parties and hence, the matter was directed to be placed before the alternative Bench. Accordingly, this writ appeal has been listed before this Court.

2.This writ appeal has been filed against the order of the learned Single Judge dismissing the writ petition filed by the appellant / writ petitioner in W.P.No.22102 of 2023 by order dated 27.07.2023. The facts which are necessary for the disposal of the writ appeal are as follows:

2.1.The writ petition is filed challenging the refusal slip issued by the Sub Registrar refusing to register the settlement deed presented by the appellant herein. The refusal slip was primarily issued based on the letter issued by the Executive Officer of the second respondent dated 10.09.2018 to the registering authorities indicating that no document should be registered since the property belongs to the temple. Based on the said letter, the refusal slip has been issued by the registering authority and the same was put in challenge in the writ petition.

2.2.It is the contention of the writ petitioner that the properties comprised in S.No.137/A to an extent of 1.40 acres and in S.No.137/B2 to an extent of 9.90 acres in Mettupalayam village, Kinathukadavu taluk, was originally subject matter of proceedings before the Settlement Tahsildar, Gobichettipalayam in S.R.No.280/1968/M.I. Act 30/1963/Pollachi Taluk under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 [Tamil Nadu Act 30 of 1963]. However, the Settlement Tahsildar had rejected the patta in favour of

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the claimants and granted patta in favour of the religious institutions, namely temples represented by hereditary Poojaries, under sections 8(2)(ii) read with section 11 of the Tamil Nadu Act 30 of 1963. As against the said order, a statutory appeal was filed by one Patti Gounder and others before the Minor Inams Tribunal (Principal Subordinate Judge), Coimbatore in CMA No.511 of 1968. The Tribunal, by its order dated 19.12.1970 allowed the said appeal and directed the Settlement authorities to grant ryotwari patta in favour of Patti Gounder, Krishnaswamy Gounder and Subbe Gounder under section 8(2)(i)(a) of the Tamil Nadu Act 30 of 1963. The said order has become final, as no further statutory appeal has been filed by the second respondent or by the revenue authorities. Pursuant to the said order, patta has been issued in favour of Patti Gounder, Krishnaswamy Gounder, both sons of one Devanna Gounder and also in favour of Subbe Gounder, Son of Marimuthu Gounder with respect to properties comprised in S.No.137/A to an extent of 01.40 acres and in S.No.137/B2 to an extent of 9.90 acres in Mettupalayam Village, Kinathukadavu taluk, Coimbatore District.

2.3.Later, one R.Kandiappan has purchased the undivided half share in S.No.137/B2 to an extent of 4.95 acres out of 9.90 acres from Subbe Gounder by way of the sale deed dated 23.10.1980. The said Kandiappan had sold 2 acres out of the land purchased by him, to one Padma Shanmughasundaram, the mother of the petitioner/appellant by way of sale deed dated 30.11.1989.

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Besides, the writ petitioner's mother has also purchased the property in S.No.137/B2C to an extent of 0.42 acres from the vendor Patti Gounder and others by way of sale deed dated 30.08.1990. Similarly, she had also purchased the property in S.No.137/B2B to an extent of 0.58 acres from the vendor M/s.Niagara Finance, represented by its partner by way of sale deed dated 30.08.1990. The petitioner's mother and others have also obtained layout permission in S.Nos.137 B/2A, 137 B/2B, 137 B/2C, 137 B/2D and 137 B/2E to an extent of 8.34 acres from the Director of Town and Country Planning, Chennai in Na.Ka.No.23483/92 L.A.2 dated 14.08.1992 and they had also executed a gift deed dated 18.02.1993 in respect of road, public park, etc., to the local body.

2.4.The petitioner's mother had settled plot no.29 part comprised in S.Nos.137/B2B, 137/B2B1 and 137/B2C and now subdivided as S.No.137B/2B1, to an extent of 2563 square feet out of 3278 square feet in favour of her husband V.Shanmughasundaram. The said Shanmughasundaram had settled the same in favour of the petitioner by way of deed of settlement dated 23.01.2017. The petitioner has now intended to settle the said property in favour of his wife. When he presented the said settlement deed before the first respondent for registration on 19.05.2023, the first respondent refused to register the said document under section 22A(ii) of the Registration Act, 1908 and had issued a refusal slip on the premise that the properties are temple

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properties since the temple has sent a communication dated 10.09.2018. Therefore, challenging the said refusal slip, the writ petition has been filed.

2.5.When the writ petition came before this court on 27.07.2023, the learned Single Judge impleaded respondents 3 to 5, namely the Commissioner, HR&CE Department, Chennai, the Joint commissioner, HR&CE Department, Coimbatore and the District Collector, Coimbatore, suo motu and on the same day had dismissed the writ petition. It is relevant to note that no counter whatsoever was filed by the second respondent also in the writ petition. However, the learned single judge by suo motu impleading respondent 3 to 5 has gone into the issue of the settlement proceedings and held that the objection raised by the temple authorities under section 22-A is tenable and within the ambit of Section 22-A and there is no infirmity and directed the respondents to initiate all appropriate actions in the manner known to law, thereby confirmed the order of refusal slip issued by the first respondent Sub Registrar. Challenging the said order of the learned single judge, the present writ appeal has been filed.

3.It is the contention of the learned counsel for the appellant that the learned single judge has travelled beyond the scope of the writ petition and has gone into settlement proceedings which has not even been challenged by the authorities for all these days. It was contended that the learned single judge ignored all the settled position of law, wherein the Courts have repeatedly held

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that the registering authority cannot refuse registration of documents on the basis of some letter of objection issued by the religious institutions or without clinching document to establish their title over the subject property. The learned single judge has also failed to take note of the fact that the letter was given by the authorities in the year 2018, but no steps whatsoever was taken by the authorities even till now to establish the title. The learned single judge has set aside the order passed by the Minor Inams Tribunal on merits despite there being no appeal against the same was filed till date. Hence, according to the learned counsel for the appellant, the proceedings under the Tamil Nadu Act 30 of 1963 has become final and acted upon and the same could not have been set aside in collateral proceedings. At the most, the learned single judge ought to have directed the temple authorities to establish their right if any in the civil court, whereas the learned single judge has gone into the merits of the case when the authorities have not even challenged the appeal proceedings of the Tribunal.

4.It was further contended that the temple was, admittedly, a party to the proceedings before the settlement officer as well as before the tribunal. The very order of the Assistant Settlement Officer clearly shows that notice has been issued as mandated under section 11 of the Tamil Nadu Act 30 of 1963. Despite such notice, the authorities have not challenged those orders. Therefore, after a lapse of more than 50 years, in collateral proceedings, the second respondent

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wants to establish their title without there being any evidence. Therefore, the learned Single Judge has gone beyond the scope of the writ petition and the same has to be set aside.

5.The learned counsel for the second respondent would submit that the Assistant Settlement Officer's order itself indicates that Inam was granted in favour of the temple. It is a Devedaya Inam. On appeal, only the temple was made as a party. Therefore, the learned single judge was right in finding that the appeal is a collusive one between the person who is in enjoyment of the properties and the claimants. As the order of the Tribunal appears to be collusive, the learned single judge was right in holding so. Hence, according to the learned counsel, since the properties belong to the temple, the registration cannot be done as per section 22-A of the Registration Act, 1908. The learned counsel has also placed reliance upon the following decisions :

(i) A.T.S.Chinnaswami Chettiar and others Vs. Sri Kari Varadaraja Perumal Temple and another reported in **1995 Supp (3) SCC 724**;

(ii) S.T.A.No.4 of 2013 dated 27.03.2019 [Arulmigu Jala Perumal Temple, Kallapalayam Vs. The Settlement Tahsildar No.II, Gobichettupalayam and others – CDJ 2019 MHC 2880;

(iii)Joint Commissioner, Hindu Religious and Charitable Endowments, Admn. Department Vs. Jayaraman and others reported in (2006) 1 SCC 257.

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6.We have heard the submissions made on either side and perused the entire materials available.

7.The land in question is also the subject matter of the proceedings under the Tamil Nadu Act 30 of 1963. The Settlement Tahsildar rejected the claim of the original claimants claiming patta. The claimants have sought for patta on the ground that they are in possession of the properties as their ancestral property from their great grandfather period. As they have not produced any documents before the settlement tahsildar to prove the title, the settlement tahsildar rejected the claims of the claimants considering the evidence of C.W.1, one Govindasamy, Karnam of Mettupalayam village and considering Ex.C.1 and granted ryotwari patta in respect of the religious institutions. However the said order was challenged before the Inam Tribunal and additional evidence has been filed under Ex.A.1 and Ex.A.2, two sale deeds dated 04.02.1892 and 25.02.1901. Considering the service Inam and the said land was manibam for temple and original vendor was in enjoyment of the property and is the subject matter of an absolute sale of the year 1900 and further, section 8(2) of the Tamil Nadu Act 30 of 1963 does not prohibit the sale deed even by a poojari and is in continued possession for more than 60 years, has allowed the appeal and directed issuance of patta under section 8(2)(i)(a) of the Act. The temple was also made a party in the said appeal.

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8.The order of the settlement officer, when carefully seen, it is seen that notice as required under section 11 has been issued to the concerned authorities. In this regard, it is useful to refer to section 8 of the Tamil Nadu Act 30 of 1963 which reads as follows:

> '**8.Grant of ryotwari pattas**.---(1) Subject to the provisions of sub-section (2), every person who is lawfully entitled to the Kudiwaram in an inam land immediately before the appointed day whether such person is an inamdar or not shall, with effect on and from the appointed day, be entitled to ryotwari patta in respect of that land.
>
> (2)Notwithstanding anything contained in sub-section (1) in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), [and in the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959)], the following provisions shall apply in the case of lands in an iruvaram minor inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity —
>
> (i)where the land has been transferred by way of sale and the transferee or his heir, assignee, legal representative or person deriving rights through him had been in exclusive possession of such land—
>
> (a)for a continuous period of sixty years immediately before the 1st day of April 1960, such person shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land;
>
> (b)for a continuous period of twelve years immediately before the 1st day of April 1960, such person shall, with effect on and from the appointed day, be entitled to a ryotwari patta if he pays as

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consideration to the Government in such manner and in such number of instalments as may be prescribed an amount equal to twenty times the difference between the fair rent in respect of such land determined in accordance with the provision contained in the Schedule and the land revenue due on such land;

(ii)in the case of any other land, the institution or the individual rendering service shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land.

Explanation.—For the purpose of this sub-section, "land revenue" means the ryotwari assessment including the additional assessment, water-cess and additional water-cess.'

9.Therefore, the above section 8(2) makes it clear that if the lands in an iruvaram minor inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity and when the land has been transferred by way of sale and such transferee is in continuous possession for a period of 60 years as per clause (a) or 12 years as per clause (b), they are entitled to patta.

10.Admittedly, in this case, the Tribunal has relied upon two documents, namely Exs.A.1 and A.2, sale deeds dated 04.02.1892 and 25.02.1901 and this shows that pursuant to such sale, they are in continuous possession of the properties for more than 60 years immediately before the first day of April, 1960. Admittedly, the Tribunal has also found that the service holder has sold

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the properties. Therefore, where the land has been transferred by way of sale and the transferee or person deriving rights through him had been in exclusive possession for a continuous period of sixty years immediately before 01.04.1960, as per section 8(2)(i), they are entitled to ryotwari patta.

11.Section 11 of the Tamil Nadu Act 30 of 1963 deals with enquiry and the same reads as follows:

> '**11.Determination of lands in respect of which any person is entitled to ryotwari patta**.—(1)The Assistant Settlement Officer shall, subject to the provisions of sub-section (2), inquire into the claims of any person for a ryotwari patta under this Act in respect of any inam land and decide in respect of which land the claim should be allowed.
>
> (2)(a)Before holding the enquiry under sub-section (1), the Assistant Settlement Officer shall give notice in the prescribed manner to the inamdar and to the Tahsildar of the taluk or Deputy Tahsildar of the sub-taluk in which the inam land is situated; and
>
> (i)if the person is in occupation of the land is not the inamdar, to the occupant;
>
> (ii)if the inam has been granted for the benefit of a Hindu religious institution or for service therein, to the Commissioner appointed under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), or to an officer specified by the said Commissioner in this behalf;

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(iii)if the inam is a wakf within the meaning of the Wakf Act, 1954 (Central Act XXIX of 1954), to the Board of Wakfs constituted under that Act, or to an officer specified by the said Board in this behalf;

[(iv)to such other persons as may be specified in the Rules made by the government in this behalf.]

(b)The Assistant Settlement Officer shall also publish in the prescribed manner in the village the notice referred to in clause (a) and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision.

(3)Against a decision of the Assistant Settlement Officer under sub-section (2), the Government may, within one year from the date of the decision, and any person aggrieved by such decision may, within three months of the said date, appeal to the Tribunal:

Provided that the Tribunal may, in its discretion, allow further time not exceeding two months for the filing of any such appeal:

Provided further that the Tribunal may, in its discretion, entertain an appeal by the Government at any time if it appears to the Tribunal that the decision of the Assistant Settlement Officer was vitiated by fraud or by mistake of fact.'

12.Section 11 mandates notice to the temple and to the Tahsildar of the taluk or the Deputy Tahsildar of the sub-taluk in which the inam land is situated and sub-section 2(ii) of section 11 mandates notice to the Commissioner appointed under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 or to an officer specified by the said Commissioner in this behalf. Besides notice, sub-section 2(b) also mandates the Assistant Settlement Officer

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to publish in the prescribed manner in the village the notice referred to in clause (a) after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision and that any person aggrieved by the order of the Assistant Settlement Officer may file an appeal to the Tribunal within three months of the said date and the Government may file such appeal within a period of one year from the date of the decision. The order of the Settlement Officer itself clearly shows that an enquiry has been conducted under section 11 after the publication and service of notices as required under the rules. Therefore, when the original proceedings clearly shows that notice has been issued and served on the authorities and enquiry was conducted, it cannot be said that the HR&CE Department was not made as party, after 55 years and that too without any materials in this regard.

13.When a specific question is posed to the second respondent's counsel as to when the temple came under the control of the HR&CE Department, it is stated that a fit person has been appointed in the year 2018. Therefore, the same itself clearly shows that the second respondent is not under the control of the HR&CE Department at the relevant point of time, whereas before the Tribunal, the temple was made a party. When the settlement officer's order itself clearly shows that the notice as required under section 11 has been issued and enquiry has also been conducted, now it is too late for the respondents to contend that they are not made parties before the Tribunal. When the Settlement officer's

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order itself clearly shows that notice has been sent and service has been effected as per section 11 to all the authorities, merely because the temple was made party in the appeal, now it cannot be said that the appeal is a collusive one. The learned single judge has in fact gone beyond the relief sought for in the writ petition. It is relevant to note that when the Act itself clearly shows that the time limit for filing the appeal by the Government as against the order of the assistant settlement officer and when already notice has been issued under section 11 and the temple was made as a party and the temple was not under the control of the authorities at that time, it cannot be said that they should be made as parties. It is relevant to note that section 46 of the Tamil Nadu Act 30 of 1963 deals with the finality of the orders passed under this Act and the same reads as follows:

> **'46.Finality of orders passed under this Act**.—(1)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.
>
> (2)No such order or decision shall be liable to be questioned in any court of law.'

14.Any order passed by the Tribunal, in the absence of any appeal or revision, become final and binding. Though sub-section (2) of section 46 says that such order shall not be questioned in any court of law, now it is settled that the civil court retains its jurisdiction to go into the title and decide the matter.

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Therefore, the learned single Judge's finding that there was collusive proceedings before the Tribunal, in our view, cannot be sustained. The learned Single Judge has gone beyond the remit of the writ petition. The writ petition has been filed challenging the refusal slip issued by the Sub Registrar on the ground that a letter has been issued by the Executive Officer in the year 2018. We have also perused the letter addressed by the Executive Officer to the Sub Registrar. The letter dated 10.09.2018 by the Executive Officer shows that the authorities are aware of the settlement proceedings even in the year 2018 and the authorities are also aware that ryotwari patta has been issued and the land has been conveyed to various other users and converted as plots. Despite knowing the settlement proceedings even in the year 2018, no action whatsoever was taken to challenge the proceedings under the Tamil Nadu Act 30 of 1963 till date. Whereas based on the said letter when the settlement deed was executed in favour of the wife of the appellant and presented for registration, the refusal slip has been issued citing the section 22-A of the Registration Act, 1908 on the ground that the land belongs to the temple.

15.Section 22-A was inserted by way of Tamil Nadu Act 28 of 2012, dated 21.06.2012 and it came into effect from 20.10.2016 and it bars registration of land belonging to Government or religious institutions. Citing this provision, the refusal slip has been issued. A division bench of this Court in W.A.(MD)Nos.260 and 261 of 2023 by order dated 07.06.2023 in

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P.Jeganathan Vs. The Inspector General of Registration has held that the power to cancel a document for violation of section 22-A can be resorted to only if the title of the temple is admitted and where the title of the temple is disputed, the parties must necessarily be relegated to the civil court and the Sub Registrar cannot refuse to register the document on that ground since the rights of the parties will have to be decided only by the civil court.

16.Further, another Division Bench of this court in ***Sudha Ravi Kumar Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department*** reported in ***2017 (3) CTC 135*** has held that the registering authority before refusing to register the document shall hold summary enquiry and then to register or refuse to register the document. Similarly, in ***D.Kalaiyarasan Vs. Inspector General of Registration*** reported in ***2018 SCC OnLine Mad 7224*** , it was held that unless and until the authority has clinching materials to show that the property belonged to religious institution, the registration cannot be refused.

17.In ***G.Rajasulochana Vs. The Inspector General of Registration*** in ***2024:MHC:1800***, dated 16.04.2024, this court has held that if there is a serious dispute on the title to the land, such questions cannot be decided by the Registrar at the stage of registering a document, since he is only conducting a limited summary enquiry and also held that merely on the basis of some letter without establishing title of the religious institution, the registration cannot be

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refused. It is further to be noted that a Division Bench of this court in the case of ***Park View Enterprises Vs. State Government of Tamil Nadu*** reported in ***AIR 1990 Mad 251*** has held that the Sub Registrar performs only executive functions under the Act. In other words, he is not a quasi judicial authority deciding a lis.

18.It is also to be noted that any violation of issuance of patta has not been challenged. Further, even assuming that if it is a service inam, whether any request has been made to discharge from the condition of service as per section 21(3)(a), for which absolutely there is no material and it can be seen only on production of document. In this regard, it is useful to refer to section 21(3) of the Tamil Nadu Act 30 of 1963, which reads as follows:

> **'21.Service inams**.---(1) xxxxx
>
> (2) xxxxxx
>
> (3)(i)Where a service-holder is entitled to a ryotwari patta under section 8 in respect of any land, he shall have the option---
>
> (a)either to pay to the religious institution the amount specified in sub-section (4) and on such payment the land shall, notwithstanding anything contained in sub-section (7), be discharged from the condition of the service; or
>
> (b)to hold the land and continue to render service subject to the provisions contained in sub-sections (1), (2), (6) and (7).
>
> (ii)The option referred to in clause (i) shall be exercised within such time from the appointed day, and in such manner as may be prescribed.'

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19.Therefore, where the service holder is entitled to ryotwari patta under section 8 in respect of any land, he shall have the option either to pay to the religious institution the amount specified in sub section (4) and on such payment the land shall notwithstanding anything contained in sub section (7) be discharged from the condition of the service. Question arises as to whether the service holder has exercised such option and any such order has been passed, for which absolutely there is no material available on record. Even assuming that the service holder fails to render service and has not exercised such option and whether such service is still continuing, there must be an enquiry in this regard as per section 21(7)(b). Without verifying the documents, as a matter of fact, in collateral proceedings, when refusal slip alone is under challenge, the learned single judge ought not to have gone into the merits of the case and non suited the very order which reached finality even in the year 1970 and the same has not been challenged. But the executive officer had sent a letter to the registering authorities to not to register the documents in this regard. At that point of time also, they were aware of the settlement proceedings and layout has been formed. Further, the writ petition also shows that layout permission has been granted by the Government and land required for the purpose of road, parks, etc., have also been handed over to the local body. Therefore, all these facts clearly shows that the authorities were sleeping over for all these years. Though the court can exercise its parens partriae jurisdiction with regard to the temple properties, when patta proceedings were proceeded under the Special

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Act, which has not been challenged for all these days, in parallel proceedings, the learned Single Judge ought not to have gone into the issue. No doubt, the learned counsel for the second respondent has relied on a decision of the Hon'ble Supreme Court in ***A.T.S.Chinnaswami Chettiar and others Vs. Sri Kari Varadaraja Perumal Temple and another*** reported in ***1995 Supp (3) SCC 724***. On a perusal of the said decision, it is seen that the appellants were granted patta on the ground that they are in possession for 12 years prior to the appointed day. In that case, taking note of the fact that the appellants failed to establish the factum of sale of the land, their claim has been rejected. Therefore, the said decision cannot be applied to the present case. Admittedly, the Inam Tribunal has considered the earlier sale deeds of the year 1892 and 1901 and held that the appellants are in possession for more than sixty years before the appointed day.

20.The other decision relied on by the learned counsel for the second respondent is the decision of the Division Bench of this court in S.T.A.No.4 of 2013 dated 27.03.2019 [Arulmigu Jala Perumal Temple, Kallapalayam Vs. The Settlement Tahsildar No.II, Gobichettupalayam and others] and the submissions is made with regard to the non service of notice under section 11 of the Tamil Nadu Act 30 of 1963 and that the matter has been remanded. Therefore, the said judgment cannot be applied to the facts of the present case.

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21.The learned counsel has relied on the decision of Hon'ble Supreme Court in ***Joint Commissioner, Hindu Religious and Charitable Endowments, Admn. Department Vs. Jayaraman*** reported in ***(2006) 1 SCC 257***. The said judgment arises out of the Trusts Act, 1882, wherein without making temple or the department, the trustee approached the District Court under section 34 of the Trusts Act for sale of the property. Only in that context, the Apex Court set aside the order of the district court and held that the sale is not valid. The said decision relied on by the learned counsel for the second respondent is also not applicable to the case on hand.

22.Considering all the above, we are of the view that the learned Single Judge going into the merits of the order of the Tribunal in the collateral proceedings cannot be sustained. It is well settled that even if the settlement proceedings reached finality, the right of the temple to establish the title is always there and nothing prevents the authorities to establish their title and to resume the land by way of proceedings before the civil court. In such view of the matter, it is a fit case where the matter has to be decided only in the civil court and if the authorities wants to resume the land, they have to establish the title and challenge the settlement proceedings by filing a suit for declaration before the civil court.

23.Accordingly, the order of the learned Single Judge dated 27.07.2023 is set aside and refusal check slip No.RFL/Kinathukkadavu/36/2023, dated

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19.05.2023 issued by the first respondent is quashed. The document dated 19.05.2023 presented by the appellant/petitioner is directed to be registered forthwith by the first respondent. It is clarified that the mere registration of the document will not take away the right of the temple to establish their title before the competent civil court. This writ appeal is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(N.S.K.,J.) **(K.R.S.,J.)**

01-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

VVK

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To

1. The Sub Registrar
   Sub Registrars Office, Kinathukadavu.

2. Executive Officer
   A/m. Mariamman vinayagar Temple, Sulakkal 642 110, Kinathukadavu Tk, Coimbatore Dt and appointed as Thakkar / Executive Officer, Arulmighu Vinayagar and Natrayasamy Temple, S. Mettupalayam, Kinathukadavu Taluk, Coimbatore Dt.

3. The Commissioner
   Office of the Commissioner of Hindu Religious and Charitable Endowments Department, No.119, Uthamar Gandhi Salai, Chennai 34.

4. The Joint Commissioner
   Office of the Commissioner of Hindu Religious and Charitable Endowments Department, Coimbatore 641 018.

5. The District Collector
   Coimbatore District Collectorate Office, State Bank road, Coimbatore Central, Coimbatore 641 018.

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2026:MHC:4055

Order QR

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N.SATHISH KUMAR J.

AND

K.RAJASEKAR J.

VVK

Pre delivery judgment in

WA No. 3470 of 2024
AND
CMP NO. 27011 OF 2024

01-10-2026

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