

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER  
and  
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.A.No.573 of 2017  
and  
C.M.P.Nos.8130 & 8149 of 2017

1.The Inspector General of Registration,  
Santhome High Road,  
Chennai - 4.

2.The Sub Registrar,  
Triplicane,  
Chennai - 5.

... Appellants

vs.

N.S.Hameed Noohu

... Respondent

सत्यमेव जयते

Appeal filed under Clause 15 of the Letter Patent against the order  
dated 10.11.2016 passed in W.P.No.27505 of 2013.

For Appellants : Mr.P.S.Sivashanmuga Sundaram,  
Special Government Pleader

For Respondent : Mr.D.Kanagasundaram

### JUDGMENT

[Judgment of the Court was made by **RAJIV SHAKDHER, J.**]

1. This is an appeal filed against the judgment and order dated 10.11.2016, passed by the learned single judge in W.P.NO.27505 of 2013.

2. By virtue of the said judgment, the learned judge had directed the respondent No.2, i.e., the Sub Registrar, Triplicane, Chennai, to register the sale deed kept as pending document No.134 in Receipt No.3045 dated 11.09.2013 and return the same to the respondent i.e., the original writ petitioner.

3. The learned single Judge in the impugned judgment notices that the the aforementioned document had not been registered on the ground that the respondent had not produced a "No Objection Certificate" (in short "NOC") from the Executive Officer of Arulmigu Thiruvotteeswarar Thirukoil (in short "Temple").

4. Furthermore, before us, the learned counsel for the appellants drew our attention to a letter dated 02.05.2011, written on behalf of the

aforementioned Temple to appellant No.2. Via the said letter, the Temple personnel indicated to the appellants that documents should not be registered, as it referred to a parcel of land situate in survey No.1246, which was owned by the Temple.

5. The counsel for the appellants also submit that with the insertion of Section 22-A in the Registration Act, 1908, (in short “the Registration Act”), the appellant No.1, cannot register any document belonging to or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious Charitable Endowments Act, 1959 is applicable.

6. The learned counsel for the appellants, thus, submit that in view of the provisions of Section 22-A (ii) of the Registration Act, appellant No.1, has no power to register the subject documents.

7. Mr.D.Kanagasundaran, who appears for the respondent disputes this position.

7.1. Learned counsel has placed on record copies of title documents and earlier orders passed by this Court, whereby, similar directions have been issued. Reference in this behalf has been placed on the order dated 15.06.2012, passed in W.A.No.1075 of 2012 and the order dated 29.02.2016, passed in W.P.No.33730 of 2013.

7.2. Based on the aforesaid, learned counsel for the respondent argues that at the stage of registration, the appellants are not required to enquire into any challenge raised qua the title, if the documents whose registration is sought, otherwise seem to be in order. It is therefore, the submission of the learned counsel for the respondent that the condition imposed by the appellants for registering the subject documents, which is to obtain NOC from the Temple personnel, was illegal and untenable.

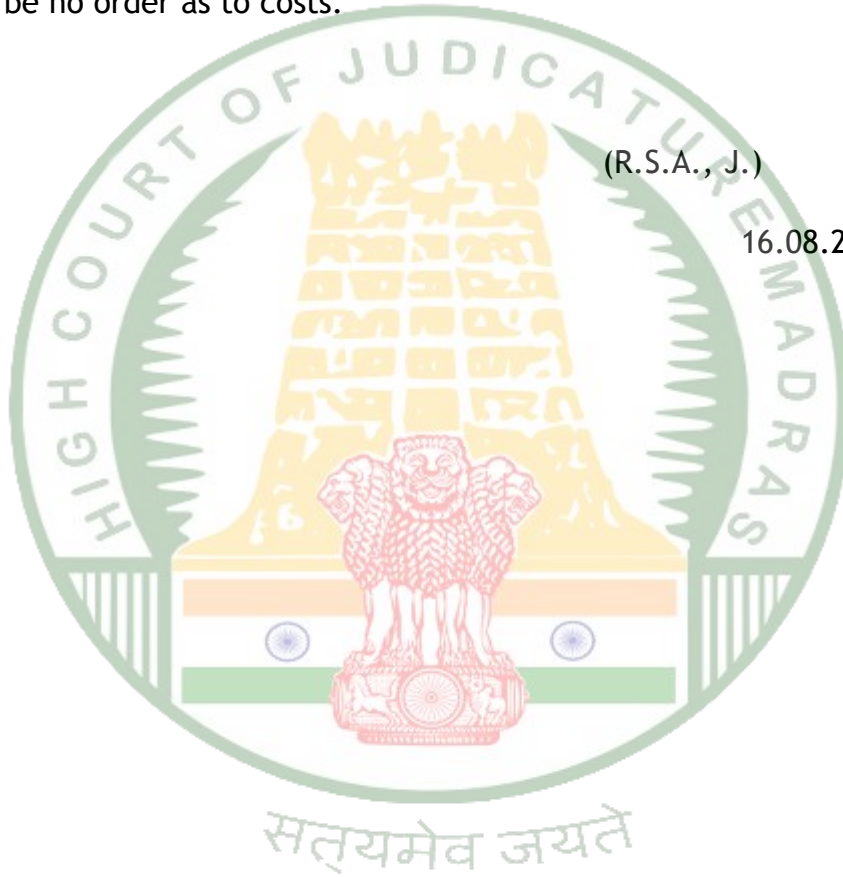
7.3. In other words, counsel for the respondent says that the appellants could not have asked the respondent to produce an NOC from the temple personnel to enable him to obtain registration of the subject documents.

8. According to us, the submission advanced by counsel for the respondent has merit, save and except for the fact that the two judgments relied upon by him do not consider the impact of Section 22-A (ii) of the Registration Act.

9. Since, the counsel for the appellants, strenuously, relies upon the said provision, which was brought on the statute book only on 29.01.2009, it may be appropriate for the appellants, if so advised, to approach the learned single Judge by way of an appropriate application in that behalf.

10. This appeal is, thus, disposed of with the liberty to the appellants to approach the learned single Judge, albeit, in accordance with law. Consequently, the connected pending applications are closed. There shall, however, be no order as to costs.

vsm



(R.S.A., J.)

(A.Q., J.)

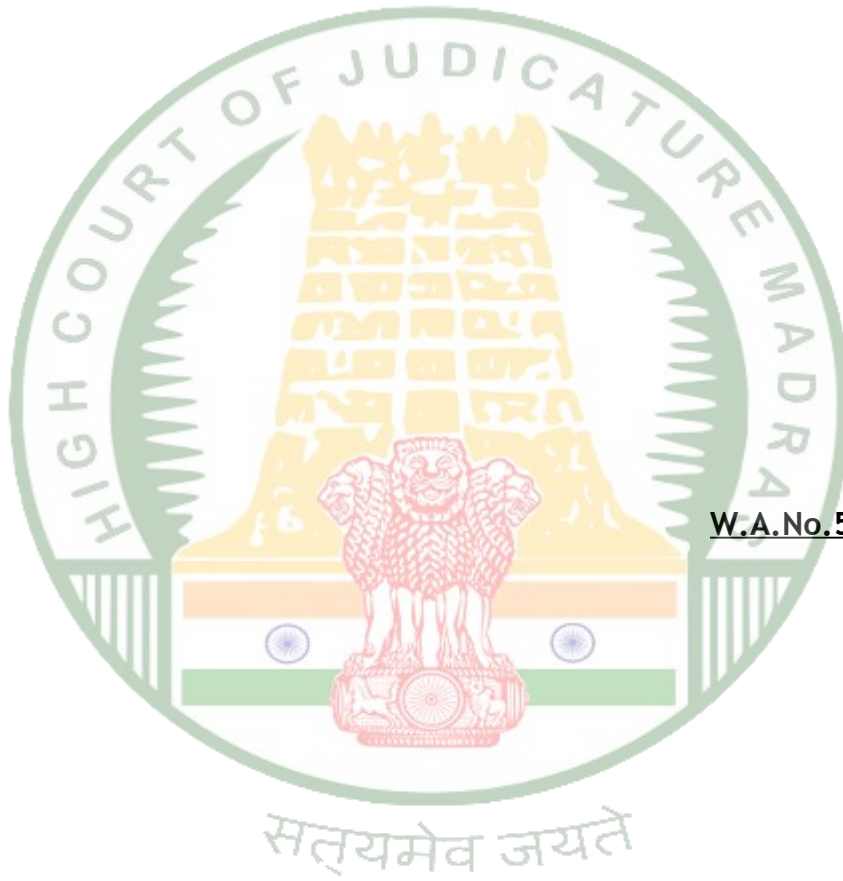
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