

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7045 of 2012
& M.P.Nos.1 & 2 of 2014

1. S.Gobinath
2. G.Kalaivani
3. V.V.Chandrasekaran .. Petitioners

Versus

1. The Joint Sub Registrar,
O/o the Sub-Registrar Office,
Raja Street, Coimbatore.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore - 18. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.5196/2017/A7, dated 22.11.2011 on the file of the 2nd respondent and the order in ஆய்வு, சீட்டு dated 20.02.2012 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to receive and register the sale deed dated 20.02.2012 in respect of the property measuring an extent of 2418 sq.ft., comprised in S.F.No.371/1, Teleungupalayam Village, Coimbatore Taluk.

For Petitioner : Mr.N.Manokaran
For R1 : Mr.Gunasekaran, GA
For R2 : Mr.M.Maharaja, Spl.G.P.

O R D E R

The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.5196/2017/A7, dated 22.11.2011 on the file of the 2nd respondent and the order in “ஆய்வு, சீட்டு” dated 20.02.2012 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent to receive and register the sale deed dated 20.02.2012 in respect of the property

measuring an extent of 2418 sq.ft., comprised in S.F.No.371/1, Teleungupalayam Village, Coimbatore Taluk.

2. It is represented by the learned counsel for both parties that the issue raised in this Writ Petition is covered by a decision of this Court in the case of Sudha Ravi Kumar and another v. the Special Commissioner and Commissioner, HR & CE & others reported in 2017 (2) LW 637 and the relevant paragraph of the same is extracted below:

"25. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions.

- (i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.
- (ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.
- (iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the Civil Court for declaration of the title and for other consequential reliefs.
- (iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.
- (v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered."

3. In the light of the above decision, the Writ Petition is disposed of on the same terms set out thereunder. It is open to the petitioners to work out their remedy in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

pvs

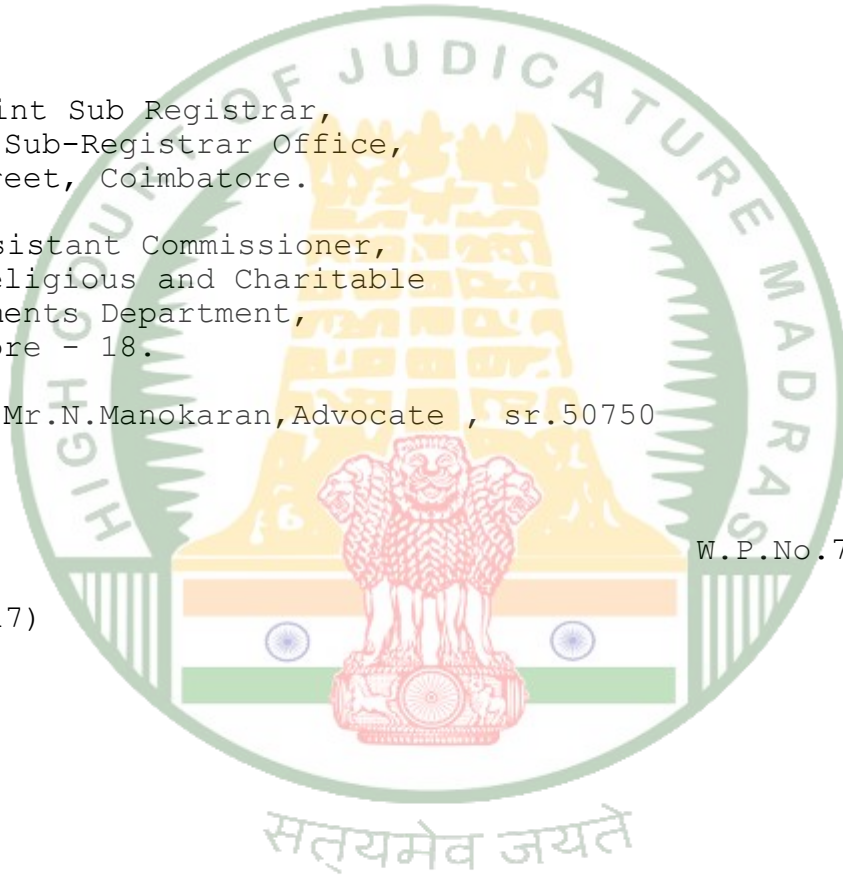
To

1. The Joint Sub Registrar,
O/o the Sub-Registrar Office,
Raja Street, Coimbatore.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore - 18.

+1cc to Mr.N.Manokaran,Advocate , sr.50750

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ss(4/8/2017)



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