

THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.03.2017

PRONOUNCED ON : 05.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

Writ Petition Nos.30589 of 2013, 16528 of 2015, 33429 of 2015, 11019 of 2015, 16662 of 2015, 28507 of 2015, 39858 of 2015, 37420 of 2015, 37046 of 2015, 12388 of 2016, 17253 of 2016, 23817 of 2015, 23919 of 2016, 37314 of 2015, 4006 of 2016, 4007 of 2016, 5586 of 2016, 39698 of 2015, 39699 of 2015, 40271 of 2015, 40300 of 2015, 36387 of 2015, 36388 of 2015, 36507 of 2015, 36386 of 2015, 979 of 2017, 4451 of 2015, 4452 of 2015, 4453 of 2015, 4617 of 2017,

and

M.P.Nos.1 of 2015, 3341 to 3344 of 2016, 4915 & 4960 of 2016, 1 to 1 of 2015, 2 to 2 of 2015 and 4863 of 2017

and

W.P. (MD) Nos.4217 of 2011, 4632 of 2013, 15292 of 2013, 9000 of 2015

1 SUDHA RAVI KUMAR

2 NISHANTH ... PETITIONERS in WP No.30589 of 2013

1 G.SRIKUMAR ... PETITIONER in WP No.16528 of 2015

1 N.RAMASAMY

2 N.GOVINDASAMY ... PETITIONERS in WP No.33429 of 2015

1 MR. T.RAMACHANDRAN

2 MRS. R.GOMATHI ... PETITIONERS in WP No.11019 of 2015

1 S.NATARAJAN

2 S.DURASAMY ... PETITIONERS in WP No.16662 of 2015

1 B. AMIRTHAM
2 B. VISWANATHAN
3 P. BABU ... PETITIONERS in WP No.28507 of 2015

1 MD. ISMAIL ... PETITIONER in WP No.39858 of 2015

1 MRS.USHA S. NAGARAJAN

2 MR.NAGARAJAN SUBBIAH ... PETITIONERS in WP No.37420 of 2015

1 MRS.HABEEBA KHALEEL ... PETITIONER in WP No.37046 of 2015

1 KAVITHA
2 DEIVATHAL ... PETITIONERS in WP No.12388 of 2016

1 K.CHINNASAMY ... PETITIONER in WP No.17253 of 2016
1 N.K.SARAVANAN ... PETITIONER in WP No.23817 of 2015
1 G.RAGURAMAN
2 N.HEMALATHA ... PETITIONERS in WP No.23919 of 2016
1 M.R.KALYANAKRISHNAN
2 M.K.RAMACHANDRAN ... PETITIONERS in WP No.37314 of 2015

1 SADASIVAN NAGALAKSHMI
2 SRIRAM VENKATESWARAN ... PETITIONERS in WP No.4006 of 2016

1 B.KARTHIK
2 PRABHA RAMANI ... PETITIONERS in WP No.4007 of 2016

1 V.V.KRISHNAN
2 K.RUPA ... PETITIONERS in WP No.5586 of 2016

1 PREMCHARIBABU ... PETITIONER in WP No.39698 of 2015
1 K.MAHALINGAM ... PETITIONER in WP No.39699 of 2015
1 K.R.VIJAYALAKSHMI ... PETITIONER in WP No.40271 of 2015
1 P.R.VENKITESWARAN ... PETITIONER in WP No.40300 of 2015
1 S.RAVI RAMASAMY ... PETITIONER in WP No.36387 of 2015
1 V.VENAKATESH ... PETITIONER in WP No.36388 of 2015
1 T.V.EKAMBARAM ... PETITIONER in WP No.36507 of 2015
1 R.VIJAYAKUMAR ... PETITIONER in WP No.36386 of 2015
1 SMT VIMALA PALANI SAMI ... PETITIONER in WP No.979 of 2017

1 KRISHNAN VISWANATHAN IYER
2 JAGATHA VISWANATHAN IYER ... PETITIONERS in WP No.4451 of 2015

1 KRISHNAN NARAYANAMOORTHY
2 SHEELA MOORTHY ... PETITIONERS in WP No.4452 of 2015

1 B.C.SUDHAKAR ... PETITIONER in WP No.4453 of 2015

1 STATE BANK OF INDIA
 STRESSED ASSETS MANAGEMENT
 BRANCH 1112
 RAJA PLAZA AVINASHI ROAD
 COIMBATORE- 641 037
 REP BY ASST. GENERAL MANAGER ... PETITIONER in WP No.4617 of 2017

1 JANATH NISHA ... PETITIONER in WP(MD) No.4217 of 2011
1 A. BHUVANESWARI .. PETITIONER in WP(MD) No.15292 of 2013
1 K.RAJA MOHAMMED ... PETITIONER in WP(MD) No.9000 of 2015
 T.Patchi Rajan ...Petitioner in WP(MD).No.4632 of 2013

- Vs -

1 THE SPECIAL COMMISSIONER AND
COMMISSIONER HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPARTMENT CHENNAI-34

2 THE EXECUTIVE OFFICER
ARULMIGU KALYANA VENKATRAMANA SWAMI VAKAIRA
THIRUKOILKAL , THANTORIMALAI , KARUR 639005
KARUR DIST.

3 THE SUB REGISTRAR
OFFICE OF THE SUB REGISTRAR , VELAYUTHAMPALAM,
KARUR DISTRICT

... RESPONDENTS in WP No.30589 of 2013

1 THE SUB REGISTRAR
NALLUR.

2 THE DISTRICT REGISTRAR
TIRUPPUR.

3 THE INSPECTOR GENERAL OF
REGISTRATION, SANTHOME HIGH ROAD , CHENNAI-4.

4 ARULMIGHU VISVESWARA SWAMY AND
VEERARAGHAVA PERUMAL THIRU KOIL , PERUMAL
KOIL VEEDHI , TIRUPPUR.

5 THE HINDU RELIGIOUS AND
CHARITABLE ENDOWMENTS, REP. BY ITS
COMMISSIONER , NUNGAMBAKKAM , CHENNAI.

6 EXECUTIVE OFFICER
ARULMIGU VISVESWARASWAMY VISALAKSHMI AMMAN
SUBRAMANIA SWAMY THIRUKOILGAL , NALLUR
TIRUPPUR TALUK , TIRUPPUR DISTRICT.

R-6 CONTD.

R-6 IS IMPEADED AS PER ORDER

DATED:12/04/2016 BY

R.P.S. J. IN MP.2/2015 IN WP.16528/2015.

... RESPONDENTS in WP No.16528 of 2015

1 THE INSPECTION GENERAL OF
REGISTRATION, SANTHOME HIGH ROAD ,CHENNAI 4

2 THE SUB REGISTRAR
TIRUPUR 641 604

3 THE COMMISSIONER
HINDU RELIGIOUS AND ENDOWMENT DEPARTMENT
NUNGAMBAKKAM HIGH ROAD NUNGAMBAKKAM
CHENNAI 600 034

[R-3 IS IMPEADED
AS PER ORDER DATED 19/11/2015 BY M.M.S.J IN
WP.33429 OF 2015]

... RESPONDENTS in WP No.33429 of 2015

1 THE INSPECTOR GENERAL OF
REGISTRATION , SANTHOME HIGH ROAD , MYLAPORE
CHENNAI-4.

2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
NUNGAMBAKKAM HIGH ROAD , CHENNAI-34.

3 THE JOINT SUB-REGISTRAR-II
THE OFFICE OF SUB-REGISTRAR THIRUPPUR
THIRUPPUR DISTRICT.

... RESPONDENTS in WP No.11019 of 2015

1 THE INSPECTOR GENERAL OF
REGISTRATION, 100 SANTHOME HIGH ROAD ,
SANTHOME , CHENNAI-600 028

2 THE EXECUTIVE OFFICER
A/M. VISVESHVARASWAMY, VISALACHIAMMAN,
SUBRAMANIASWAMY THIRUKOVILS, NALLUR
TIRUPPUR DISTRICT

3 THE SUB REGISTRAR
O/O.SUB REGISTRAR OFFICE NALLUR TIRUPPUR
DISTRICT

... RESPONDENTS in WP No.16662 of 2015

1 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT , ERODE - 638 001

2 THE INSPECTOR ,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT , PERUNDURAI , ERODE DISTRICT

3 THE TRUSTEE
A/M. SEMMADAI THANNEERPANDAL DHARMAM,
MURUNGATHOLUVU , PERUNDURAI TALUK , ERODE
DISTRICT

4 THE SUB REGISTRAR
O/O. SUB REGISTRAR CHENNAIMALAI ERODE
DISTRICT

... RESPONDENTS in WP No.28507 of 2015

1 THE INSPECTOR GENERAL OF
REGISTRATION , SANTHOME HIGH ROAD , MYLAPORE
CHENNAI - 600 004

2 THE JOINT SUB REGISTRAR
NO.II THE OFFICE OF THE SUB REGISTRAR
TIRUPUR - 3 , TIRUPUR DISTRICT

3 THE COMMISSIONER FOR HINDU
RELIGIOUS AND CHARITABLE ENDOWMENTS,
CHENNAI - 600 034

4 THE JOINT COMMISSIONER,
H.R. & C.E. DEPARTMENT , COIMBATORE

5 THE EXECUTIVE OFFICER ,
A/M VISWESWARA SAMI & VEERARAGAVA
PERUMAL TEMPLE , THIRUPUR - 641 604

R-5 IS IMPEADED
AS PER ORDER DATED 09.02.2017 BY CJ AND MSJ
IN WMP NO.35805/2016 IN WP NO.39858 OF
2015.

... RESPONDENTS in WP No.39858 of 2015

1 INSPECTOR GENERAL OF
REGISTRATION , 100 SANTHOME HIGH ROAD
CHENNAI 28

2 THE COMMISSIONER
HINDU RELIGIOUS & CHARITABLE ENDOWMENT
NUNGAMBAKKAM HIGH ROAD , CHENNAI 34

3 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
COIMBATORE

4 JOINT SUB REGISTRAR II,
COIMBATORE

... RESPONDENTS in WP No.37420 of 2015

1 INSPECTOR GENERAL OF
REGISTRATION, 100 SANTHOME HIGH ROAD ,
CHENNAI-028.

2 THE COMMISSIONER ,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT
NUNGAMBAKKAM HIGH ROAD, CHENNAI-34.

3 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS & CHARITABLE ENDOWMENT,
COIMBATORE.

4 JOINT SUB-REGISTRAR II
COIMBATORE.

... RESPONDENTS in WP No.37046 of 2015

1 THE COMMISSIONER
HR & CE DEPARTMENT, CHENNAI-34

2 THE FIT PERSON
A/M. SELLANDIAMMAN TEMPLE NOYYAL NOYYAL
KARAI, TIRUPPUR TOWN AND TALUK

3 THE SUB REGISTRAR II
O/O.THE SUB REGISTRAR II TIRUPPUR

... RESPONDENTS in WP No.12388 of 2016

1 THE JOINT II SUB REGISTRAR ,
JOINT II SUB REGISTRAR OFFICE , TIRUPPUR.

2 THE DISTRICT REGISTRAR,
TIRUPPUR.

3 THE INSPECTOR GENERAL OF
REGISTRATION, SANTHOME HIGH ROAD , CHENNAI-28.

4 ARULMIGHU VISVESWARA SWAMY
KOIL, REP. BY ITS EXECUTIVE OFFICER ,PERUMAL
KOIL VEEDHI , TIRUPPUR.

5 THE HINDU RELIGIOUS AND
CHARITABLE ENDOWMENTS, REP. BY ITS
COMMISSIONER ,NUNGAMBAKKAM , CHENNAI

... RESPONDENTS in WP No.17253 of 2016

1 THE HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT DEPARTMENT REP BY ITS
COMMISSIONER NUNGAMBAKKAM CHENNAI 34

2 THE ASSISTANT COMMISSIONER
OF TEMPLES OFFICE OF THE HINDU RELIGIOUS
AND CHARITABLE ENDOWMENT RAJAVEEDHI
COIMBATORE

3 THE DISTRICT REGISTRAR,
OFFICE OF REGISTRATION COLLECTOR OFFICE
COMPOUND STATE BANK STREET , COIMBATORE 641 018

4 THE JOINT SUB REGISTRAR II,
OFFICE OF THE JOINT SUB REGISTRAR II
COIMBATORE AND DISTRICT
... RESPONDENTS in WP No.23817 of 2015

1 THE INSPECTOR GENERAL OF
REGISTRATION ,100 ,SANTHOME HIGH ROAD
CHENNAI-28.

2 THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT ,
NUNGAMBAKKAM HIGH ROAD , CHENNAI-34.

3 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
COIMBATORE

4 THE JOINT SUB REGISTRAR-II ,
COIMBATORE.
... RESPONDENTS in WP No.23919,4006,4007,5586,
of 2016,
39698,39699,40271,40300,36387,36388,36507,
36386,4451,4452,4453,37314 of 2015

1 THE COMMISSIONER,
COIMBATORE CORPORATION , COIMBATORE

2 THE TAHSILDHAR,
COIMBATORE NORTH NORTH ZONE OFFICE
COIMBATORE.

3 THE DISTRICT REGISTRAR,
DISTRICT REGISTRAR OFFICE COLLECTOR OFFICE
COMPOUND STATE BANK STREET COIMBATORE -
641 018.

4 THE JOINT SUB-REGISTRAR - II,
OFFICE OF THE JOINT SUB-REGISTRAR - II ,
COIMBATORE , COIMBATORE - DISTRICT.

5 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT
DEPARTMENT , COIMBATORE - 18.
... RESPONDENTS in WP No.979 of 2017

1 THE JOINT SUB REGISTRAR-II
THIRUPUR SUB-REGISTRAR OFFICE THIRUPUR

2 THE EXECUTIVE OFFICER
ARULMIGU VISWESWARASWAMY AND
VEERARAGHAVAPERUMAL TEMPLES THIRUPUR
... RESPONDENTS in WP No.4617 of 2017

- 1 THE SUB-REGISTRAR,
OFFICE OF THE SUB-REGISTRAR , TEPPAKULAM
MADURAI DISTRICT.
- 2 ARULMIGU MEENAKSHI
SUNDARESHWARAR THIRUKOVIL MADURAI. REP. BY
ITS JOINT COMMISSIONER/EXECUTIVE OFFICER
... RESPONDENTS in WP(MD) No.4217 of 2011
- 1 THE ASSISTANT COMMISSIONER ,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD , PARAMAKUDI, RAMANATHAPURAM DISTRICT
- 2 THE SUB REGISTRAR,
VELLIPATTANAM , RAMANATHAPURAM DISTRICT
... RESPONDENTS in WP(MD) No.15292 of 2013
- 1 THE SUB-REGISTRAR
PETTAI TIRUNELVELI
- 2 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD, TRIVANDRUM ROAD , PALAYAMKOTTAI,
TIRUNELVELI
- 3 M. JAMEELA RIFANAA
W/O.MOHAMMED GOWTH, 71 NORTH STREET,
CHERANMAHADEVI AMBASAMUDRAM TALUK ,
TIRUNELVELI DISTRICT
... RESPONDENTS in WP(MD) No.9000 of 2015
- 1.The Sub-Registrar,Tuticorin Melur,
Tuticorin.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Board,Tuticorin.
- 3.Arumugamangalan Sri Senthivinayagar,
Annadhanachathira Committee,
Through its Authorized Member,
Arumugamangalam Village,
Srivaikundam Taulk,
Tuticorin District. ..Respondents in WP(MD) .No.4632/13

WP No.30589 of 2013

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Na.Ka. No.111/2005 dated 28.3.2005 and quash the same in so far as it includes the properties in S.F.No.427 measuring an

extent of 4.37 acres and in S.F.No.428 measuring an extent of 5.36 acres in Punjapugalur North Village, Karur Taluk, Karur District belonging to the petitioners and consequently forbear the 3rd respondent from refusing to receive a document for registration of sale or lease in respect of the properties in S.F.No.427 measuring an extent of 4.37 acres and in S.F.No.428 measuring an extent of 5.36 acres in Punjapugalur North Village, Karur Taluk, Karur District belonging to the petitioners and register the said documents

WP No.16528 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 1st respondent to register and return the document being the mortgage deed dated 20.4.2015 to the petitioner

WP No.33429 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 2nd respondent to receive and register the settlement deed to be executed by the 1st petitioner in favour of petitioners Son Mr.R.Muthukumar

WP No.11019 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 3rd respondent herein to receive, consider and register the Deeds or Documents in respect of the petitioner's house bearing Plot No.2, Door No.7/2, 7(1)/ 2A of K.R.R.Layout, 1st Street, Thiruppur Village, comprised in Survey No.95/1, corresponding Old T.S. No.24/1/3/3, New T.S. No.86 without insisting No Objection Certificate from the 2nd respondent

WP No.16662 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records relating to the impugned Order dated 11.10.2013 issued by the 2nd respondent and the consequential Order of Inspection Memo dated 20.4.2015 passed by the 3rd respondent, quash the same and direct the 3rd respondent to receive and register the Sale Agreement dated 20.4.2015 executed between the petitioners relating to the subject matter lands bearing S.F. Nos.71/1A, 2, 2A, and 5A of Nallur Village, Tiruppur District

WP No.28507 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records relating to the impugned orders made in Na. Ka. No.1776/ 2015/ 2/A6 dt 31.7.2015 issued by the 1st respondent, and Oo. Mu. No. 45/2015 dt 27.5.2015

issued by the 2nd respondent, quash the same, and consequently direct the 4th respondent not to insist No Objection Certificate from the respondents 1 to 3 for registration of the documents relating to the properties measuring 4.04 Acres bearing Old S.F. No.32 (R.S.Nos.21/1B, 21/1C and 21/3), Murungatholuvu Village, Perundurai Taluk, Erode District

WP No.39858 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 2nd respondent to register the sale document dated 07.05.2015 kept pending as P32/15 pertaining to 1229 Square feet of land S.No. 248/1 corresponding to T.S.No. Ward No.G (New T.S.No. 9/20) comprised in Patta No. 699 Block No.4, Ward No.G with Super Structure consisting of Ground Floor of First Floor of extent 1135 Sq ft comprised in Door No.20-A, Kullangalkadu, Tirupur City, Tirupur without insisting for the No Objection Certificate from the 3rd respondent department and for any other relief of relief that may be appropriate in the present circumstances of the case

WP No.37420 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his letter bearing No.Na.Ka. 5196/ 2011/A7/ dated 22.11.2011 and quash the same, and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.37046 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No. Na.Ka.5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.12388 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 3rd respondent herein to register and return the document for sale when presented by the petitioners for registration before the 3rd respondent herein without insisting for the No Objection Certificate from the 1st respondent department, in respect of the remaining 39,633.8 Sq feets (or) 3,683.44 Sq meters of land with the constructions, out of the total 1 acre of the land comprised in T.S. No. 446 corresponding to the New T.S. No. 2, Block No.6, Ward No. H

WP No.17253 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the 1st respondent to register and return the document being the Sale Deed dated 14.3.2016 to the petitioner

WP No.23817 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records from the 2nd respondent and quash the letter Na. ka. No. 5196/2011/A7, dt 22.11.2011 sent by the 2nd respondent, The Assistant Commissioner of Temples, Hindu Religious and Charitable Endowment, Coimbatore, and consequentially direct the 3rd respondent herein The District Registrar, Office of Registration, Collector Office Compound, State bank Street, Coimbatore 641 018, and 4th respondent i.e. The Joint Sub Registrar II, Office of the Joint Sub Registrar II, Coimbatore, to register the Sale Deed presented by the petitioner the property situate at S.F.Nos. 384/1 E 2 and 384/2 B - 0.86 1/4 cents, Thelungupalayam Village, Coimbatore, Flat No.409, Springfield Vestal, No.3, New Rams Nagar.Extension, Behind Bimetal Bearings,P.N.Pudur Post,Coimbatore-641 041.

WP No.23919 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his letter bearing No. Na.Ka. 5196/2011/A7/ dated 22.11.2011 and quash the same, and consequently direct the 4th respondent herein to register the sale deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.37314 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No. Na.Ka. 5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.4006 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No.Na.Ka.5196/A7/dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioners without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.4007 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No.Na.Ka.5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioners without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.5586 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his letter bearing No. Na.Ka.5196/2011/A7 dated 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the sale deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.39698 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his Letter bearing Na.Ka.5196/ 2011/A7 dated 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the Sale Deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.39699 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his Letter bearing Na.Ka.5196/ 2011/A7 dated 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the Sale Deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.40271 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing Na.Ka.5196/2011/A7/dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.40300 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his letter bearing No. Na. Ka. 5196/2011/A7 dt 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the sale deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.36387 of 2015

Calling for the records of the 3rd Respondent relating to his letter bearing No. Na.Ka.5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.36388 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No. Na.Ka.5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.36507 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No. Na.Ka.5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.36386 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd Respondent relating to his letter bearing No. Na.Ka.5196/2011/A7/ dated 22.11.2011 and quash the same and consequently direct the 4th Respondent herein to register the sale deed presented by the Petitioner without insisting upon the production of the No Objection Certificate from the 3rd Respondent

WP No.979 of 2017

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing respondents 1 to 4 not to insist for NOC from the 5th

respondent to grant planning permission for putting up constructions or while registering any document presented by the petitioner in respect of S.F.No. 384/1D, No.28, Thelungu Palayam Village, Coimbatore District measuring an extent of 41 cents and 404 Sq.Ft.

WP No.4451 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his Letter bearing No.Na.Ka.5196/ 2011/A7 dated 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the Sale Deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.4452 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his Letter bearing No.Na.Ka.5196/ 2011/A7 dated 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the Sale Deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.4453 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the records of the 3rd respondent relating to his Letter bearing No.Na.Ka.5196/ 2011/A7 dated 22.11.2011 and quash the same and consequently direct the 4th respondent herein to register the Sale Deed presented by the petitioner without insisting upon the production of the No Objection Certificate from the 3rd respondent

WP No.4617 of 2017

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus directing the first respondent to receive, register and return the Sale Certificate dated 22.12.2016 in favour of Mrs.N.Sumathi, W/o.Mr.K.R.Nagarajan, issued under the provisions of the SARFAESI Act pursuant to the Auction conducted on 08.06.2016, in respect of property measuring a total extent of Acre 2.00 with factory building constructed thereon, situate in Tirupur Town Old Ward No.27, Kallikaduthottam, comprised in S.F. Nos.158/2 &3, 160/1, 161/1, 161/2, 161/5, Re-Survey No.T.S. No.8/4 Block No.32, Ward No. M, covered under Doc. Nos. 727/ 2000 (Acre 0.50 Cents), 1084/ 2000 (Acre 0.50 cents) and 4810/ 2007 (Acre 1.00) being the properties described in property NO.3, Item Nos.1 to 3 of the E-Auction Sale notice dated 27.04.16 within a time frame to be fixed by this court.

WP(MD) No.4217 of 2011

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus calling for the impugned order passed by the 1st respondent in his proceedings XN/11 dated 28.03.2011 and quash the same as illegal and consequently direct the 1st respondent to register the power of attorney deed dated 28/03/11 as well as the sale deeds in respect of properties covered under the power of attorney.

WP(MD) NO.15292/13:

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.6127/2000/E1(1) dated 26/09/11 and the consequential order of the 2nd respondent in Memo No.3/13 dated 19/8/13 and quash the same and further direct the 2nd respondent to receive and register documents pertaining to land situated in S.No.440, Pattanankathan Village, Ramanathapuram District.

WP(MD) No.4632 of 2013

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent in his proceeding No.1/12 dated 23-11-12 and quash the same and consequently direct the 1st respondent to issue the certificate of Registration in respect of Document No.p20/12.

WP(MD) No.9000 of 2015

Writ Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus Directing the 1st respondent to release the sale deed dated 12-01-15 in document No.P4/2015 executed by us within the time fixed by this Honourable Court

Case No.	Petitioner Counsel	Respondent Counsel
1.WP(MD) .4217/11	Mr.M.E.Elango	Mr.V.Ayyadurai, AAG II Assisted by Mr.K.V.Dhanajayan Spl.Government Pleader (W) for R1 Mr.S.Manohar for R2
2.WP(MD) .4632/13	Mr.H.Arumugam	Mr.V.Ayyadurai, AAG II Assisted by Mr.K.V.Dhanajayan Spl.Government Pleader (W) for R1 & R2 Mr.R.Narayanan for R3

3.WP (MD) .15292/13 Mr.H.Arumugam Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R2
Mr.M.Maharaja, SGP HR & CE
for R1

4.WP (MD) .9000/15 Mr.H.Arumugam Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1
Mr.M.Maharaja, SGP HR & CE
for R2
Mr.R.Narayanan for R3

5.WP.30589/13 Ms.Nalini Chidumbaran,
Sr.Counsel for
Ms.C.Uma Mr.V.Ayyadurai, AAG II
Assisted by Mr.M.Maharaja,
SGP HR & CE for R1
Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R3

6.WP.16528/15 Mr.N.A.Nissar Ahmed
Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 to R3
Mr.M.Maharaja, SGP HR & CE
for R2
Mr.K.Ashok Kumar for R4
No Appearance

7.WP.33429/15 Mr.V.Ramesh SC For
Mr.T.Thiyagarajan
Mr.V.Ayyadurai, AAG II
Assisted by
Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R2
Mr.M.Maharaja, SGP HR & CE
for R3

8.WP.11019/15 Mr.S.Muthuraman Mr.V.Ayyadurai, AAG II
Assisted by
Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R3
Mr.M.Maharaja, SGP HR & CE
for R2

- 9.WP.16662/15 Mr.N.Manokaran Mr.V.Ayyadurai,AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1
Mr.K.Ashok Kumar, for R2
- 10.WP.28507/15 Mr.N.Manokaran Mr.V.Ayyadurai,AAG II
Assisted by
Mr.M.Maharaja,SGP HR &CE
for R1
Mr.K.V.Dhananjayan,SGP For R4
Mr.K.Jayaganeshan for R3
- 11.WP.39858/15 Mr.N.Thiyagarajan SC
For Mr.P.Kalimuthu
Mr.V.Ayyadurai,AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R2
Mr.M.Maharaja,SGP HR &CE
for R3
(Mr.T.L.Rammohan,SC For
G.Sumitra For Impleaded R5)
- 12.WP.37420/15 Ms.P.T.Asha for
M/s.Sarvabhauman
Associates
Mr.V.Ayyadurai,AAG II
Assisted by
Mr.M.Maharaja,SGP HR &CE
for R2
Mr.K.V.Dhananjayan,SGP (W)
For R1 & R4
- 13.WP.37046/15 Ms.P.T.Asha for
M/s.Sarvabhauman
Associates
Mr.V.Ayyadurai,AAG II
Assisted by
Mr.M.Maharaja,SGP HR &CE
for R2
Mr.K.V.Dhananjayan,SGP (W)
For R1 & R4
- 14.WP.12388/16 Mr.V.Ramesh SC for
Mr.V.P.L.Gowtham
Mr.V.Ayyadurai,AAG II
Assisted by Mr.K.V.Dhanapalan
A.G.P T/N for R1
Mr.K.Ashok Kumar, for R2

15.WP.17253/16

Mr.N.A.Nissar Ahmed

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R2
Mr.M.Maharaja, SGP HR & CE
for R3
(Mr.T.L.Rammohan, SC For
G.Sumitra For R4)

16.WP.23817/15

G.Saravanakumar

Mr.V.Ayyadurai, AAG II
Assisted by
Mr.M.Maharaja, SGP HR & CE
for R1 & R2
Mr.K.V.Dhananjayan, SGP (W)
For R3 & R4

17.WP.23919/16

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanapalan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

18.WP.37314/15

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

19.WP.4006 &
4007/16

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

20.WP.5586/16

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

21.WP.39698 &
39699/15

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

22.WP.40271/15

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

23.WP.40300/15

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

24.WP.36387 &
36388/15
WP.3507/15
WP.36386/15

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

25.WP.979/17

Mr.A.Anandvenketesh

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R5

26.WP.4451 to
4453/15

Ms.P.T.Asha for
M/s.Sarvabhauman
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader (W)
for R1 & R4
Mr.M.Maharaja, SGP HR & CE
for R2 & R3

27.WP.4617/17

Mr.OM.Prakash for
M/s.Ramalingam &
Associates

Mr.V.Ayyadurai, AAG II
Assisted by Mr.K.V.Dhanajayan
Spl.Government Pleader
for R1
Mr.M.Maharaja, SGP HR & CE
for R2

C O M M O N O R D E R

(Judgment of the Court was delivered by S.Nagamuthu, J.)

In all these writ petitions, the challenge is to the orders passed by the Sub Registrars under the Registration Act, 1908, either refusing to register the sale deeds or refusing to return the sale deeds after registration. The impugned orders came to be passed in the following circumstances:

(i) The Registration Act, 1908 was amended by the Registration (Tamil Nadu Amendment) Act, 2008 which received the assent of the President of India on 29.01.2009 and the same was also notified and thus the same has come into force.

(ii) By means of the said amendment, Section 22-A was introduced after Section 22 in the Parent Act. The newly introduced Section 22-A reads as follows:

"Section 22-A: Refusal to register certain documents:- Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:-

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,-

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958; or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995, unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.

Explanation I.-For the purpose of this section 'local authority' means,-

(i) any Municipal Corporation constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 ; or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 ; or

(iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.—For the purpose of this section 'planning authority' means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed."

(iii) As seen above, Sub-Section (1)(ii) of Section 22-A mandates that the registering officer shall refuse to register any document by way of sale, gift, mortgage, exchange or lease of immovable property belonging to or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'TN HR & CE Act') is applicable.

(iv) The immovable properties belonging to or given or endowed for the support of mutts or temples, or given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity including the institution concerned and also the premises thereof and excluding the gifts of property made as personal gifts to the archaka, service holder or other employee of a religious institution have been defined as either "religious endowment" or "endowment" under Section 6 (17) of the TN HR & CE Act, 1959. There are two explanations appended to Section 6(17) which read as follows:

"Explanation (1) of Section 6(17): (1) Any inam granted to an archaka, service holder or other employee of a religious institution for the performance of any service or charity in or connected with a religious institution shall not be deemed to be a personal gift to the archaka, service holder or employee but shall be deemed to be a religious endowment.

Explanation (2) of Section 6(17): All property which belonged to, or was given or endowed for the support of a religious institution, or which was given or endowed for the performance of any service or charity of a public nature connected therewith or of any other religious charity shall be deemed to be a "religious endowment" or endowment" within the meaning of this definition, notwithstanding that, before or after the date of the

commencement of this Act, the religious institution has ceased to exist or ceased to be used as a place of religious worship or instruction or the service or charity has ceased to be performed."

(v) Section 29 of the TN HR & CE Act mandates that for every religious institution, there shall be prepared and maintained a register which among other things, shall contain, the particulars of all endowments of the institution and of all title-deeds and other documents. Thus, this register shall contain the properties either owned or given or endowed for the purpose of any religious institution governed by TN HR & CE Act. It is reported that the such registers are maintained in all the religious institutions governed by the said Act.

(vi) After the introduction of Section 22-A of the Registration Act, 1908 and after the same has taken effect, the respective Executive Officers of the temples had started sending letters to the respective registering authority giving the details of the immovable properties belonging to or given or endowed for the respective religious institutions and requesting the registering authority not to register any deed of sale, transfer, gift, mortgage, exchange or lease in respect of the said properties.

2. The petitioners in all these writ petitions are either transferees or transferors of the immovable properties. According to them, these properties have got nothing to do with any religious institutions. When the deeds of transfer were presented, the respective registering authorities (respondent herein) either refused to register the same or after the registration, refused to return the document by citing the reason that the executive officer of a particular religious institution had requested him in writing not to register any such deed of sale, transfer, gift, mortgage, exchange or lease in respect of the said property. Thus, by passing one line order of refusal, the registering authority simply refused to register or return the document to the party concerned. Those orders are under challenge in these writ petitions. Since common issues have come up for adjudication, we have heard all the writ petitions together and dispose of the same by means of this common order.

3. It is the common ground of the petitioners that the impugned orders passed by various registering authorities which are under challenge in these writ petitions are not speaking orders and thus they suffer from arbitrariness. It is their further contention that before passing the impugned order concerned, no opportunity whatsoever was given to the respective parties who were the parties to the document to prove the genuineness of the transaction and also to disprove the claim of the religious institution that the said property

belonged to the religious institution. In other words, according to the petitioners without affording any opportunity whatsoever the impugned orders have been passed and thus there is clear violation of audi alteram partem principle.

4. The learned Additional Advocate General Mr.V.Ayyadurai, appearing for the respondents, would vehemently contend that in the instant case, it is true that there was no personal hearing given to the parties, but, such hearing is not contemplated in the Registration Act. He would further submit that intimations to the registering authority requesting them not to register any land pertaining to the religious institution was made based on the property register maintained in the respective religious institutions as required under Section 29 of the TN HR & CE Act. Since the register maintained under Section 29 of the TN HR & CE Act is a permanent register which is periodically updated, the claim of the religious institution that the property concerned belongs to the temple cannot be disputed before the registering authority.

5. The learned Additional Advocate General would further submit that the registering authority has no power to decide the title and therefore, it would be open for the parties concerned only to approach the civil Court to establish their title, if any, for the said property and then transfer the same to anyone according to their wish. In nutshell, the contention of the learned Additional Advocate General is that the orders by the registering authority in all these cases are valid which do not require any interference at the hands of this Court.

6. We have considered the above submissions.

7. A perusal of Section 22-A of the Act would make it crystal clear that it is mandatory on the part of the registering authority to refuse to register any document of sale, transfer, gift, mortgage, exchange or lease in respect of any property belonging to or given or endowed for the purpose of any religious institution governed by TN HR & CE Act. But at the same time, in order to satisfy himself that the property belongs to or given or endowed for the purpose of any religious institution, he should have some material before him which can be obtained by holding a summary enquiry.

8. Of course, the registering authority is not bestowed with any quasi judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi judicial. It is no more available for any debate as to whether the principles of natural justice should be applicable to administrative enquiries or not. The

Hon'ble Supreme Court found that sometimes an unjust decision in an administrative enquiry will have far more serious consequences than a decision in a quasi-judicial enquiry and hence the rules of natural justice must apply equally in an administrative enquiry which may result in civil consequences. It is true that in the early stages of the development of the doctrine of natural justice the view prevailed was that rules of natural justice are applicable only for quasi judicial proceedings as distinguished from administrative proceedings and the distinguishing feature of the quasi judicial function is that the authority concerned is required by law under which it is functioning to act judicially.

9. The Hon'ble Supreme Court, in A.K.Kraipak Vs. Union of India reported in (1969) 2 SCC 262 which is a historic decision in the branch of administrative law, found that in recent years the concept of quasi-judicial function has been undergoing a radical change. The dividing line between an administrative power and a quasi-judicial power is quite thin and is being gradually obliterated. For determining whether a power is an administrative power or a quasi-judicial power, one has to look in to the nature of the power conferred, the person or persons on whom it is conferred, the framework of the law conferring that power, the consequences ensuing from the exercise of that power and the manner in which the power is expected to be exercised. The net effect of this and other decisions is that the duty to act judicially need not be super-added, but it may be spelt out from the nature of the power conferred, the manner of exercising it and its impact on the rights of the person affected and where it is found to exist, the rules of natural justice would be attracted.

10. The Hon'ble Supreme Court speaking through Hegde, J., in A.K.Kraipak case (cited supra) proceeded further to state as follows:

"The aim of the rules of natural justice is to secure justice or to put it negatively to prevent miscarriage of justice. These rules can operate only in areas not covered by any law validly made. In other words they do not supplant the law of the land but supplement it. Till very recently it was the opinion of the courts that unless the authority concerned was required by the law under which it functioned to act judicially there was no room for the application of the rules of natural justice. The validity of that limitation is now questioned. If the purpose of the rules of natural justice is to prevent miscarriage of justice one fails to see why those rules should be made inapplicable to administrative enquiries.

Often times it is not easy to draw the line that demarcates administrative enquiries from quasi-judicial enquiries. Enquiries which were considered administrative at one time are now being considered as quasi-judicial in character. Arriving at a just decision is the aim of both quasi-judicial enquiries as well as administrative enquiries. An unjust decision in an administrative enquiry may have a more far reaching effect than a decision in a quasi-judicial enquiry. As observed by this Court in *Suresh Koshy George v. The University of Kerala and Ors.* ([1969] 1 S.C.R.317) the rules of natural justice are not embodied rules. What particular rule of natural justice should apply to a given case must depend to a great extent on the facts and circumstances of that case, the framework of the law under which the enquiry is held and the constitution of the Tribunal or body of persons appointed for that purpose. Whenever a complaint is made before a court that some principle of natural justice had been contravened the court has to decide whether the observance of that was necessary for a just decision on the facts of that case."

11. In *Maneka Gandhi Vs. Union of India* reported in AIR 1978 SC 597, when a question arose as to whether the authority under the Passports Act should follow the principles of natural justice before impounding a Passport, the Hon'ble Supreme Court made the following observations:

"The learned Attorney General, appearing on behalf of the Union of India, fairly conceded that the audi alteram partem rule is a highly effective tool devised by the courts to enable a statutory authority to arrive at a just decision and it is calculated to act as a healthy check on abuse or misuse of power and hence its reach should not be narrowed and its applicability circumscribed. He rightly did not plead for reconsideration of the historic advances made in the law as a result of the decisions of this Court and did not suggest that the Court should re-trace its steps."

In yet another part of the said judgment the Hon'ble Supreme Court has held that:

"It is a wholesome rule designed to secure the rule of law and the court should not be too ready to eschew it in its

application to a given case. True rue it is that in questions of this kind a fanatical or doctrinaire approach should be avoided, but that does not mean that merely because the traditional methodology of a formalised hearing may have the effect of stultifying the exercise of the statutory power, the audi alteram partem should be wholly excluded. The court must make every effort to salvage this cardinal rule to the maximum extent permissible in a given case. It must not be forgotten that "natural justice is pragmatically flexible and is amenable to capsulation under the compulsive pressure of circumstances". The audi alteram partem rule is not cast in a rigid mould and judicial decisions establish that it may suffer situational modifications. The core of it must, however, remain, namely, that the person affected must have a reasonable opportunity of being heard and the hearing must be a genuine hearing and not an empty public relations exercise."

12. The Hon'ble Supreme Court in Institute of Chartered Accountants of India Vs. L.K.Ratna reported in AIR 1987 SC 71 has held that the principles of natural justice must be read into the unoccupied interstices of the statute unless there is a clear mandate to the contrary.

13. If we apply the law laid down by the Hon'ble Supreme Court in the above judgments, to the facts of the present case, it would be crystal clear that in the instant cases, since refusal to register the documents results in civil consequences as the unregistered document shall not be valid, in our considered view, before refusing to register a document under Section 22-A of the Registration Act, in order to cope with the rule of law, the registering authority should follow the Audi Alteram Partem principle by issuing notice and affording a real opportunity to the parties concerned. We are conscious of the fact that there is no explicit provision in the Act for issuing such notice to the parties by the registering authority and to hold a summary enquiry. But that would not deprive the parties concerned to have sufficient opportunity in tune with the principles of natural justice which is mandatory as held by the Hon'ble Supreme Court in the above decisions as refusing to register a document under Section 22-A of the Act results in civil consequences.

14. As we have already dealt with, holding a limited enquiry under this provision is to prima facie satisfy the conscience of the registering authority that there is

substance in the objection made by the religious institution and if on such enquiry, the registering authority is satisfied that the objections of the religious institution have got substance, then the registering authority shall pass an order refusing to register the document and thereby it would be available for the parties concerned to make a statutory appeal under the Act. Similarly, if he registers the document, then it is for the religious institution to establish the title in the manner known to law. On the refusal of the registering authority under Section 22-A of the Act, even without availing the right of appeal, it would be open for the parties concerned to approach the Civil Court to establish their title.

15. In the instant case, since the impugned orders have been passed without issuing notice to the parties concerned and without affording any opportunity whatsoever and finally without even verifying whether the objections raised by the religious institution is genuine or not, in a mechanical fashion, the registering authorities have refused to register the documents. Thus, there is gross violation of the principles of natural justice. Further the impugned orders are one line orders which do not even contain the reasons to refuse. In other words, these are all non speaking orders which can be classified as arbitrary orders. Arbitrariness is opposed to rule of law. On these two grounds, in our considered view, all these impugned orders are liable to be set aside with a direction to the respective registering authority to issue notice to the parties concerned afford opportunity, hold summary enquiry and then to pass appropriate orders within a reasonable time.

16. In some of the cases, it is brought to our notice that the documents presented were all registered by the registering authority and after such registration, the objections of the religious institutions were brought to the notice of the registering authorities and based on the same, the registering authorities had refused to return the documents to the parties.

17. In this regard, we should say that refusing to register a document is provided in Section 22-A of the Act, whereas, refusal to return the registered document is not at all contemplated in the Act. Even cancellation of the said registration is not within the powers of the registrar. A full Bench of this Court in E.R.Kalaivan Vs. Inspector General of Registration reported in AIR 2010 Mad 18 has held that deed of cancellation of sale unilaterally executed by parties to the said documents cannot be registered by the registering authority. The said view was approved later on by the Hon'ble Supreme Court in Satya Pal Anand Vs. State of Madhya Pradesh reported in (2015) 15 SCC 263, wherein the Hon'ble Supreme Court has held that the proper authority that may cancel unilateral cancellation deed are Civil Court or Writ Court or

statutory authority concerned when party purporting to execute cancellation deed is statutorily governed. Thus, once the document is registered, de hors the objections raised under Section 22-A of the Act by any registering authority or without taking note of such objections or even in the absence of any objections, the only course available for the religious institution is to either to approach this Court by way of a writ petition for cancellation of the registration or to approach the civil Court and seek for necessary relief. The registering authority shall have no right to withhold the document after having registered the same. Therefore, in those cases where the deeds have already been registered, the same shall be returned to the parties concerned by the registering authority concerned.

18. The learned counsel appearing for the petitioners in some of the writ petitions submitted that under the abolition Acts, such as Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and The Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 the statutory authority, after holding enquiry, granted patta under the Act and thereafter there were several transactions in respect of the properties. The learned counsel would submit that issuance of patta under the Act is nothing but recognition of pre-existing right of the parties concerned. Once such ryotwari patta is issued under the Statute the registering authority shall not refuse to register the document simply because the said land has been shown as a land belonging to the religious institution in the register maintained by the said religious institution, he contended.

19. In this regard, the learned counsel Mr.H.Arumugam appearing for one of the petitioners made reliance on the judgment of the Hon'ble Supreme Court in Dokiseela Ramulu Vs. Sri Sangameswara Swamy Varu reported in (2017) 1 MLJ 294 (SC), wherein, the Hon'ble Supreme Court has reaffirmed the law laid down in State of Tamil Nadu Vs. Ramalinga Samigal Madam reported in 1985 4 SCC 10, wherein the Hon'ble Supreme Court in paragraph 12 has held as follows:

"12. Now turning to the question raised in these appeals for our determination (it is true that Section 64-C of the Act gives finality to the orders passed by the Government or other authorities in respect of the matters to be determined by them under the Act and sub-section (2) thereof provides that no such orders shall be called in question in any court of law. Even so, such a provision by itself is not, having regard to the two propositions quoted above from Dhulabhai's case (1968) 3 SCR 662, decisive on the point of ouster of the Civil Court's

jurisdiction and several other aspects like the scheme of the Act, adequacy and sufficiency of remedies provided by it etc., will have to be considered to ascertain the precise intendment of the Legislature. Further, having regard to the vital difference indicated above, in between the two sets of provisions dealing with grant of ryotwari pattas to landholders on the one hand and ryots on the other different considerations may arise while deciding the issue of the ouster of Civil Court's jurisdiction to adjudicate upon the true nature of character of the concerned land. Approaching the question from this angle it will be seen in the first place that Section 64-C itself in terms provides that the finality to the orders passed by the authorities in respect of the matters to be determined by them under the Act is "for the purposes of this Act" and not generally nor for any other purpose. As stated earlier the main object and purpose of the Act is to abolish all the estates of the intermediaries like Zamindars, Inamdars, Jagirdars or under-tenure holders etc. and to convert all land-holdings in such estates into ryotwari settlements which operation in revenue parlance means conversion of alienated lands into non-alienated lands, that is to say, to deprive the intermediaries of their right to collect all the revenues in respect of such lands and vesting the same back in the Government. The enactment and its several provisions are thus intended to serve the revenue purposes of the Government, by way of securing to the Government its sovereign right to collect all the revenues from all the lands and to facilitate the recovery thereof by the Government and in that process, if necessary, to deal with claims of occupants of lands, nature of the lands, etc. only incidentally in a summary manner and that too for identifying and registering persons in the revenue records from whom such recovery of revenue is to be made. The object of granting a ryotwari patta is also to enable holder thereof to cultivate the land specified therein directly under the Government on payment to it of such assessment or cess that may be lawfully imposed on the land. Section 16 is

very clear in this behalf which imposes the liability to pay such ryotwari or other assessment imposed upon the land to the Government by the patta-holder. The expression "for the purposes of this Act" has been designedly used in the section which cannot be ignored but must be given cogent meaning and on a plain reading of the section which uses such expression it is clear that any order passed by the Settlement Officer either granting or refusing to grant a ryotwari patta to a ryot under Section 11 of the Act must be regarded as having been passed to achieve the purposes of the Act, namely, revenue purposes, that is to say for fastening the liability on him to pay the assessment or other dues and to facilitate the recovery of such revenue from him by the Government; and therefore any decision impliedly rendered on the aspect of nature or character of the land on that occasion will have to be regarded as incidental to and merely for the purpose of passing the order of granting or refusing to grant the patta and for no other purpose."

20. Placing reliance on the above judgment, the learned counsel would submit that unless it is declared by the Civil Court that de hors the ryotwari patta issued the temple has got title, the registering authority shall not refuse to register the document in a mechanical fashion under Section 22-A of the Registration Act simply because an objection has been raised by the religious institution.

21. The learned Additional Advocate General would submit that as per Explanation 1 appended to Sub-Section 17 of Section 6 of the TN HR & CE Act, any inam granted to an archaka, service holder or other employee of the religious institution for the performance of any service or charity in or connected with a religious institution shall not be deemed to be a personal gift to the archaka, service holder or employee but shall be deemed to be a religious endowment.

22. The learned Additional Advocate General would further submit that in respect of inam lands, which were granted to archaka or service holder or other employee for the performance of any service or charity or connected with a religious institution, even if ryotwari patta has been granted under the Abolition Act, the land shall be concluded to be a religious endowment and therefore, in respect of the said lands, registration shall be refused by the Registrar under Section 22-A of the Act.

23. This contention is seriously objected to by the learned counsel for the petitioners. First of all we should state that we are not going into this issue because the constitutionality of Section 22-A of the Registration Act is not under challenge. Secondly, whether the property which is covered in the deed presented for registration is a religious endowment or not in terms of the TN HR & CE Act also cannot be gone into by us as the said dispute could be resolved only by a Civil Court on evidence. Even the registering authority is not competent to go into the said disputed question as he is not exercising any judicial or quasi judicial function. Similarly, simply because the some lands were shown as the properties belonging to the religious institution in the register maintained by the temple, it cannot be construed that the said land belongs to the said religious institution. It needs to be noted that the register of properties under Section 29 was prepared not after notice to the interested persons. It was done unilaterally by the religious institution. Similarly, the maintenance of the register by updating the same is also not done after notice to the parties who are interested in the property which is included in the register after the preparation of the original register. Thus, the preparation as well as the maintenance of the register is by the unilateral act of the religious institution and therefore likelihood of the private lands belonging to any individual being included in the register by error cannot be ruled out. All these issues are to be resolved by the Civil Court. Therefore, in our considered view, once patta has been issued under either the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 it is for the temple to establish its title before the Civil Court. The registrar is bound to act on the basis of the ryotwari patta issued by the authority concerned and he shall not refuse to register the said deeds. As we have already pointed out the remedy for the religious institution is to approach the civil court for appropriate remedy.

24. But this observation of ours shall not be construed that it is our conclusion that ryotwari patta issued to the ryot concerned is the final adjudication relating to the title for the property. We wish to clarify that the final adjudication regarding the title to the property can be had only before a Civil Court. We only say that at the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering authority shall issue notice afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious institution or given or endowed to the religious institution, then, he shall refuse to register such deed.

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.

(vi) Consequently the connected miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To:

- 1 THE SPECIAL COMMISSIONER AND COMMISSIONER HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS DEPARTMENT CHENNAI-34
- 2 THE SUB REGISTRAR OFFICE OF THE SUB REGISTRAR , VELAYUTHAMPALAM, KARUR DISTRICT
- 3 THE SUB REGISTRAR NALLUR,Tiruppur District.
- 4 THE DISTRICT REGISTRAR TIRUPPUR,TIRUPPUR DISTRICT.
- 5 THE INSPECTOR GENERAL OF REGISTRATION, SANTHOME HIGH ROAD , CHENNAI-4.
- 6 THE JOINT COMMISSIONER HINDU RELIGIOUS AND CHARITABLE ENDOWMENT, NUNGAMBAKKAM HIGH ROAD , CHENNAI-34.
- 7 THE JOINT SUB-REGISTRAR-II THE OFFICE OF SUB-REGISTRAR THIRUPPUR THIRUPPUR DISTRICT.
- 8 THE ASSISTANT COMMISSIONER HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT , ERODE - 638 001
- 9 THE INSPECTOR , HINDU RELIGIOUS AND CHARITABLE ENDOWMENT DEPARTMENT , PERUNDURAI , ERODE DISTRICT

- 10 THE SUB REGISTRAR
O/O. SUB REGISTRAR CHENNAIMALAI ERODE
DISTRICT
- 11 THE JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT , COIMBATORE
- 12 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT,
COIMBATORE
- 13 JOINT SUB REGISTRAR II,
COIMBATORE
- 14 THE DISTRICT REGISTRAR,
OFFICE OF REGISTRATION COLLECTOR OFFICE
COMPOUND STATE BANK STREET , COIMBATORE 641 018
- 15 THE COMMISSIONER,
COIMBATORE CORPORATION , COIMBATORE
- 16 THE TAHSILDHAR,
COIMBATORE NORTH NORTH ZONE OFFICE
COIMBATORE.
- 17 THE SUB-REGISTRAR,
OFFICE OF THE SUB-REGISTRAR , TEPPAKULAM
MADURAI DISTRICT.
- 18 THE ASSISTANT COMMISSIONER ,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD , PARAMAKUDI, RAMANATHAPURAM DISTRICT
- 19 THE SUB REGISTRAR,
VELLIPATTANAM , RAMANATHAPURAM DISTRICT
- 20 THE SUB-REGISTRAR
PETTAI TIRUNELVELI
- 21 THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
BOARD, TRIVANDRUM ROAD , PALAYAMKOTTAI,
TIRUNELVELI
- 22.The Sub-Registrar,Tuticorin Melur,
Tuticorin.

23.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Board,Tuticorin-2.

+2CCS to M/s.C.Uma Advocate sr.18499,20365

+2ccs to Mr.NA.Nissar Ahmed,sr.20487,18568

+3cc to Mr.K.Ashok KUmar,Sr.21050,21049,21051

+2cc to Mr.M.Manokaran,sr.20700,20699

+1cc to Mr.S.Muthuraman,Advocate sr.20304

+1cc to Mr.K.S.Jeyaganesan,Advocate sr.20203

+1cc to Mr.P.Kalimuthu,Advocate sr.20166

+3cc to Ms.G.Sumitra,Advocate sr.20194,20195,20193

+1cc to Mr.V.P.K.Gowtham,Advocate sr.20973

+1cc to Mr.G.Saravana Kumar,Advocate sr.20289

+1cc to Mr.M.Anand Venkatesh,Advocate sr.20625

+2cc to M/s.Ramalingam,Advocate sr.20456

+1cc to Government Pleader sr.20848

+3cc to Mr.H.Arumugam,Advocate sr.20706(20/6/2017)

+1cc to Mr.T.Thiagarajan,Advocate sr.20868(24/7/2017)

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ss (19/5/2017)