

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 24.07.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.18811 of 2017  
and W.M.P.No.20332 of 2017

S.Purushothaman  
Hereditary Trustee  
Arulmigu Dharmaraja Thirukoil  
Papparampakkam  
157 Mettu St  
Papparampakkam 602 025  
Tiruvallur Tk

[ Petitioner ]

Vs

- 1 The Assistant Commissioner  
The Hindu Religious & Charitable  
Endowment Board, Tiruvallur.
- 2 The District Registrar  
Registration Department Kanchipuram  
Kanchipuram Dist
- 3 The Sub Registrar  
Manavala Nagar Tiruvallur District

Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration declaring that the action of the 1st respondent in issuing orders dated 28.07.2015 prohibiting the 3rd respondent from entertaining any documents for registration in respect of the petitioner temple as being contrary to law and to set aside such directions.

For Petitioner

: Mr.Sai Krishnan for  
M/s Sai Bharath and Ilan

For Respondents

: Mr.M.Maharaja, SGP

## ORDER

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of declaration declaring that the action of the 1st respondent in issuing orders dated 28.07.2015 prohibiting the 3rd respondent from entertaining any document for registration in respect of the petitioner temple, as being contrary to law and to set aside such directions.

3. The learned counsel appearing for the petitioner submitted that the relief sought for in the present writ petition is covered by a decision of the Division Bench of this Court dated 05.04.2017 made in W.P.Nos.30589 of 2013 etc. batch, wherein, the Division Bench, has held as follows:-

"...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..".

4. Mr.M.Maharaja, learned Special Government Pleader, appearing for the respondents submitted that the relief sought for in the writ petition is covered by the decision of the Division Bench of this Court, as mentioned above. However, the learned counsel submitted that the directions of the Division Bench may be followed in the present writ petition also.

5. In view of the submissions made by the learned counsel on either side, following the decision of the Division Bench made in W.P.No.30589 of 2013 etc. batch dated 05.04.2017, the order dated 28.07.2015 passed by the 1<sup>st</sup> respondent is set aside. 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 facts of the case. The 3<sup>rd</sup> respondent is directed to conduct enquiry and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order,

With this observation, the writ petition is allowed. No costs. Connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rg

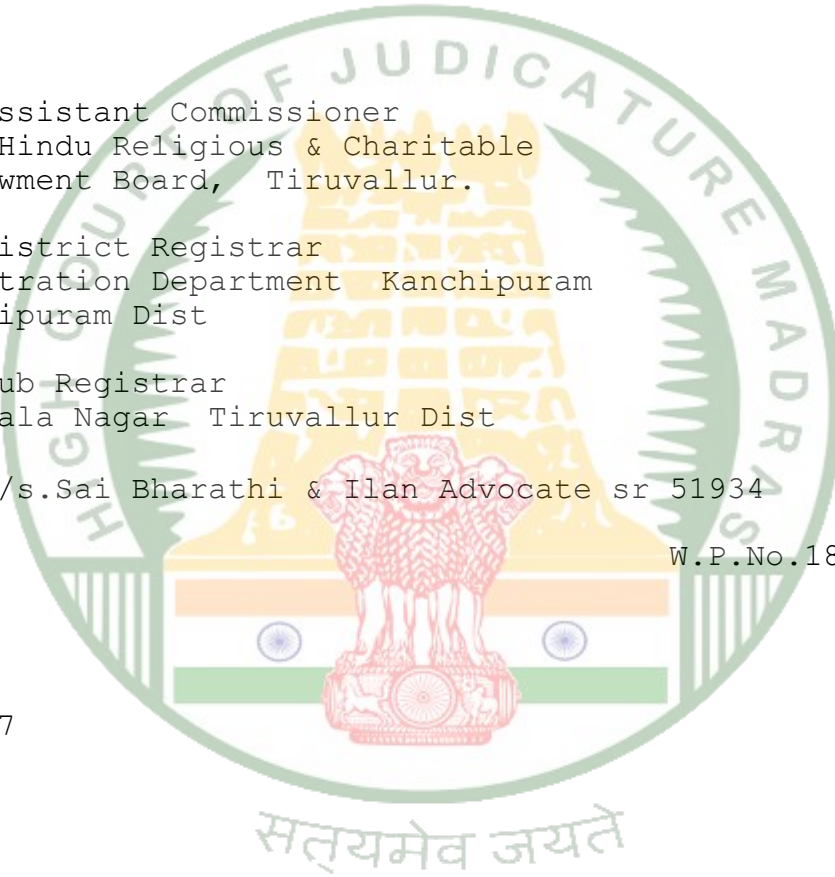
To

- 1 The Assistant Commissioner  
The Hindu Religious & Charitable  
Endowment Board, Tiruvallur.
- 2 The District Registrar  
Registration Department Kanchipuram  
Kanchipuram Dist
- 3 The Sub-Registrar  
Manavala Nagar Tiruvallur Dist

+1 cc to M/s.Sai Bharathi & Ilan Advocate sr 51934

W.P.No.18811 of 2017

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