

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2018
CORAM
THE HON'BLE MR.JUSTICE R.MAHADEVAN
W.P.No.24100 of 2018

M.Nirmalkumar .. Petitioner

Vs

1.The Sub Registrar,
Peelamedu,
Coimbatore.

2.The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Coimbatore. .. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the first respondent to register the document viz. pending document No.66 of 2017 dated 02.08.2017 of the petitioner pending on the file of the first respondent.
For Petitioner : Mr.S.Sithirai Anandam

For R1 : Mr.T.M.Pappiah,
Special Government Pleader

For R2 : Mr.M.Maharajan,
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to register his document No.66 of 2017 dated 02.08.2017 pending on the file of the first respondent.

2.The learned counsel for the petitioner as well as the learned Special Government Pleader, HR & CE jointly submitted that the issue similar to the case on hand has been elaborately dealt with in the case of Sudha Ravi Kumar and another Vs. The Special Commissioner & Commissioner, Hindu Religious and Charitable Endowments Department, Chennai 34 and others (2017 (3) CTC 134), wherein, it has been held as follows:

□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.□

Therefore, the learned counsel prayed for a similar direction in this Writ Petition also.

3. Following the aforesaid decision, this writ petition stands disposed of, directing the first respondent to hold enquiry, after issuing due notice to the petitioner as well as all the necessary parties and thereafter pass appropriate orders, on merits and in accordance with law. Such an exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

14.09.2018

Index: Yes/No

vga

To

1. The Sub Registrar,
Peelamedu,
Coimbatore.

2. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Coimbatore.

R. MAHADEVAN, J.

vga

W.P.No.24100 of 2018

14.09.2018