

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19142 of 2018 and
W.M.P.Nos.22518 & 22519 of 2018

T.Rajamani

.. Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai - 600 028.
- 2.The District Registrar (Admin),
Registration Department,
Chidambaram, Cuddalore District.
- 3.The Joint Sub Registrar-I,
Chidambaram, Cuddalore District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Cuddalore, Cuddalore District. .. Respondents

Petition 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 proceedings issued by the 4th respondent in RC.No.4743/2013/A4 dated 18.06.2018 and to quash the same and consequently, direct the 3rd respondent to register the document submitted for transfer of land in S.No.161/1B1A C.Kothangudi Village, Chidambaram Taluk, Cuddalore District in favour of the petitioner.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader (R1 to R3)

Mr.M.Maharaja,
Special Government Pleader (R4)

O R D E R

This Writ Petition has been directed against the impugned order dated 18.06.2018.

2. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the 4th respondent, placing reliance on paragraph - 25 (i) of the order dated 05.04.2017 passed by a Division Bench of this Court in W.P.Nos.30589 of 2013 [Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai - 34 and 2 others] submitted that the ratio laid down in the said judgment will govern the case of the petitioner also. The relevant portion in para-25(i) of the order is extract hereunder:

"...

25. In view of the above discussions, all the Writ Petitions are allowed and the impugned orders are set aside with 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 relevant facts as indicated above."

3. The learned Special Government Pleader for the 4th respondent submitted that the Registering Authority before whom the document is presented shall issue notice to all the parties concerned and also to the objector/religious institution, if any, hold summary enquiry, hear the parties and then pass an order.

4. The learned counsel for the petitioner also agreed to the said course of action to be adopted by the authority and the said exercise shall be completed within a reasonable time.

5. In the light of the order passed by a Division Bench of this Court in the batch of Writ Petitions in W.P.Nos.30589 of 2013 dated 05.04.2017, this Court directs the 3rd respondent to issue notice to the petitioner, the 4th respondent and other objectors, if any, to appear before him with all the requisite documents to establish their case and thereafter, decide the matter, also without being influenced by the proceeding dated 31.05.2018 in respect of the land in question. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai - 600 028.

2.The District Registrar (Admin),
Registration Department,
Chidambaram, Cuddalore District.

3.The Joint Sub Registrar-I,
Chidambaram, Cuddalore District.

4.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Cuddalore, Cuddalore District.

+ 1 cc to M/s. G. Sankaran, Advocate Sr.50878

+ 1 cc to Mr.the Government Pleader Sr.51437

W.P.No.19142 of 2018 and
W.M.P.Nos.22518 & 22519 of 2018

MP(CO)
EU(02/08/2018)



WEB COPY