



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

W.P. (MD) Nos.1192 to 1196 of 2018  
and  
W.M.P. (MD) Nos.1260 to 1264 of 2018

K.Ayyapan ... Petitioner in all W.Ps.

-Vs-

- 1.The Sub-Registrar,  
Sub-Registrar Office,  
Peraiyur,  
Peraiyur Taluk,  
Madurai District.
- 2.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Madurai-1.
- 3.The Inspector,  
Hindu Religious and Charitable Endowments Department,  
Tirumangalam, Madurai District.

...Respondents 1 to 3 in all W.Ps.

- |                 |     |                                                       |
|-----------------|-----|-------------------------------------------------------|
| 4.R.S.Deepa     | ... | 4 <sup>th</sup> Respondent in W.P.(MD)No.1192 of 2018 |
| 4.R.R.Subash    | ... | 4 <sup>th</sup> Respondent in W.P.(MD)No.1193 of 2018 |
| 4.R.R.Banumathi | ... | 4 <sup>th</sup> Respondent in W.P.(MD)No.1194 of 2018 |
| 4.A.V.Ashok     | ... | 4 <sup>th</sup> Respondent in W.P.(MD)No.1195 of 2018 |
| 4.A.V.Ashok     | ... | 4 <sup>th</sup> Respondent in W.P.(MD)No.1196 of 2018 |

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Check Slip issued by the first respondent in Nos.5/2017, 6/2017, 7/2017, 8/2017 and 9/2017 respectively, dated 01.11.2017 and quash the same as illegal and consequently direct the first respondent to register the sale deed submitted by the petitioner for landed property comprised in Survey Nos.80/3, 75/2A, 68/1, 47/9 and 54/2 respectively, in an extent of 3 Acres 51 Cents, 62 Cents, 2 Acres 40 Cents, 2 Acres 45 Cents and 5 Acres 8 Cents respectively, situated at T.Kunnathur Bit 1 Village, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.R.R.Kannan

For R1 to R3 : Mr.Aayiram K.Selva Kumar,

<https://hcservices.ecourts.gov.in/hcservices/> (in all Writ Petitions) Additional Government Pleader.

COMMON ORDER

Since the issue involved in these Writ petitions is one and the same, these writ petitions are taken up together and disposed of by way of passing a common order.

WEB COPY

2. These Writ Petitions have been filed, challenging the order passed by the first respondent / Sub Registrar, refusing to register the sale deed on the ground that the properties in question are belonging to a Trust and hence, without obtaining necessary permission from the Hindu Religious and Charitable Endowments Department, the documents cannot be registered.

3. The case of the petitioner is that the petitioner is the president of T.Kunnathur Sa.Narayanan Chettiar Welfare Trust and the said Trust is owning several properties. For the purpose of development and the welfare of the said Trust, the petitioner has filed a petition in Trust O.P.No.3 of 2014 before the Principal District Court, Madurai under Section 34 of Indian Trust Act, seeking permission from the Court to alienate the properties of the Trust. The learned Principal District Judge, Madurai, by an order dated 03.11.2015, has permitted the petitioner to sell the properties in respect of various survey numbers. The said order has not been challenged and it has become final. Now, pursuant to the said order passed under Section 34 of the Indian Trust Act, the petitioner approached the Sub-Registrar. However, the Sub-Registrar has refused to register the documents and asked the petitioner to obtain necessary permission from the Hindu Religious and Charitable Endowments Department, without considering the order passed by the Civil Court.

4. I have heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials available on record carefully.

5. Admittedly, in order to alienate the properties of the Trust, the petitioner has filed an application before the competent Court under Section 34 of the said Act, seeking permission to sell the property for welfare of the trust and the Court concerned passed a detailed order, permitting the petitioner to alienate the property to meet out the legitimate expenses and for the construction of the temple with certain conditions.

6. In the above circumstances, as the competent Court has given permission, no further permission is required from the Hindu Religious and Charitable Endowments Department. In the these circumstances, the impugned check slip dated 01.11.2017 issued by the first respondent is set aside and the petitioner is directed to appear before the first respondent and produce the Judgment passed in Trust O.P.No.3 of 2004. On submitting the said judgement, the first respondent / Sub Registrar is directed to register the above said properties of the Trust, after verifying that whether the



permission was granted by the Court, in respect of the property for which the sale deeds are submitted.

7. With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

/True Copy/

Sd/-  
Assistant Registrar (ADI)

Sub-Assistant Registrar

To

1. The Sub-Registrar,  
Sub-Registrar Office,  
Peraiyur,  
Peraiyur Taluk,  
Madurai District.

2. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Madurai-1.

3. The Inspector,  
Hindu Religious and Charitable Endowments Department,  
Tirumangalam, Madurai District.

+5ccs to Mr. R.R. Kannan, Advocate, SR.Nos. 45857, 45858, 45859,  
45860 and 45861

+One cc to The Special Government Pleader, SR.No. 46586

Myr  
RL/10C/3P/KK/SAR1/15/2/2018

W.P (MD) Nos. 1192 to 1196 of 2018

02.02.2018