

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3435 of 2019

and

WMP.No.3728 of 2019

1. J.Esthovu
2. J.Vincent

.. Petitioners

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai 600 028.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The Joint Sub Registrar-II,
Tiruppur.
4. The Assistant Commissioner,
The Hindu Religious and Charitable Endowment
Department,
Arulmigu Visweswara Swamy and Veeraragava
Perumal Temples, Easwarankoil Street,
Tirupur - 641 604.
5. The Executive Officer,
Arulmigu Visweswara Swamy and Veeraragava
Perumal Temples, Easwaran koil Street,
Tirupur - 641 604.

.. Respondents

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 herein to admit and register documents such as Agreement for Sale / Sale Deeds, etc., with respect to the petitioner's Plot No.1 measuring an extent of 207 sq.ft. and building thereon comprised in T.S.No.114, Block No.3, Ward-L, Tiruppur Town in the approved layout known as Deivasigamaniammal Layout in Old S.F.No.133, Tiruppur Village, Tiruppur Taluk, Tiruppur District now bearing Municipal Door No.36(1) Deivasigamaniammal Layout Palagodown Street, Poochakkadu, Mangalam Road, Tiruppur - 641 604.

For Petitioners: Mr.V.P.Sengottuvel

For Respondents: Mr.T.M.Pappaiah,
Special Government Pleader
for R1 & R3
Mr.J.Purushothaman
Government Advocate for R2

O R D E R

Mr.T.M.Pappaiah, learned Special Government Pleader takes notice for the respondents 1 & 3. Mr.J.Purushothaman, learned Government Advocate takes notice for the second respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for a Mandamus, directing respondents 1 to 3 herein to admit and register documents such as Agreement for Sale / Sale Deeds, etc., with respect to the petitioners' Plot No.1 measuring an extent of 207 sq.ft. and building thereon comprised in T.S.No.114, Block No.3, Ward-L, Tiruppur Town in the approved layout known as Deivasigamaniammal Layout in Old S.F.No.133, Tiruppur Village, Tiruppur Taluk, Tiruppur District now bearing Municipal Door No.36(1) Deivasigamaniammal Layout Palagodown Street, Poochakkadu, Mangalam Road, Tiruppur - 641 604.

3. The dispute is between the petitioners and the fifth respondent-temple in respect of the petition mentioned property. The petitioners claim right and title to the property by way of title deeds. It is also stated that the proceedings were initiated under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act and an order was passed by the Settlement Tahsildar, Coimbatore on 04.11.1974 for issuance of Ryotwari Patta under Section 11 read with 13 and 8(i) of the said Act. The said order of the Settlement Tahsildar had become final and it is binding on all parties including the fifth

respondent-Temple.

4. It is further stated that the petitioners had purchased Plot No.1 in the approved layout in S.F.No.133 measuring an extent of 207 sq.ft. by way of Sale Deed dated 15.07.1998 from the original pattadar and also constructed a residential building thereon after obtaining planning permit from Tirupur Municipality. The petitioners also claim to be in continuous possession of the said property. While so, when the petitioners with the intention of selling the subject matter property approached the third respondent, who is the Joint Sub-Registrar, refused to register the same, as the fifth respondent-Temple had claimed ownership over the property. Hence, the above Writ Petition has been filed.

5. Earlier in a batch of Writ Petitions, a Division Bench of this Court in similar circumstances, had directed the registering authority to issue notice to the parties concerned and conduct an enquiry under Section 22-A of the Registration Act. In the said batch of Writ Petitions, i.e. in W.P.No.30589 of 2013, etc., by order dated 05.04.2017, the Division Bench directed as follows:

(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.

6. In view of the above direction issued by the Division Bench, and as the issue involved in the present Writ Petition is also with regard to the Registering Authority, the present Writ Petition is disposed of in terms of the above directions issued by the Division Bench. However, the above said exercise shall be completed by the third respondent within a period of three months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1. The Inspector General of Registration,
Santhome High Road,
Pattinapakam,
Chennai 600 028.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The Joint Sub Registrar-II,
Tiruppur.
4. The Assistant Commissioner,
The Hindu Religious and Charitable Endowment
Department,
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5. The Executive Officer,
Arulmigu Visweswara Swamy and Veeraragava
Perumal Temples, Easwaran koil Street,
Tirupur - 641 604.

+1cc to Mr.V.P.Sengottuvel, Advocate sr.no.10035
+1cc to Government Pleader sr.no.10325

W.P.No.3435 of 2019

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