

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition Nos.28291 and 28295 of 2019 and
M.P.Nos.27969 & 27970 of 2019 in W.P.No.28291 of 2019
M.P.Nos.27973 & 27974 of 2019 in W.P.No.28295 of 2019

1.V.Noorjahan
2.S.Sunooja
3.S.Sirajudheen ... Petitioners in both W.Ps

Vs

1.The Inspector General of Registration,
Santhome High Road,
Pattinapakam,
Chennai - 600 028.

2.The Joint Sub-Registrar-II,
Tiruppur.

3.The Assistant Commissioner,
The Hindu Religious and Charitable Endowment
Department,
Arulmigu Visweswara Swamy &
Veeraragava Perumal Temples,
Easwaran Koil Street,
Tirupur - 641 604.

4.The Executive Officer,
Arulmigu Vesweswara Swamy
Veeraragava Perumal Temples,
Easwaran Koil Street,
Tirupur - 641 604.

... Respondents in both W.Ps

Prayer in W.P.No.28291 of 2019:- This writ petition is filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus call for the records of the second respondent in No.RFL/Joint Sub-REGistrar 2, Tiruppur/14/2019 dated 27.08.2019 and quash the same and further direct the 2nd respondent to admit and register release deed dated 22.08.2019 with respect to Plot No.9 part together with building thereon comprised in S.No.44/1 part and 44/2, Tiruppur Village bearing

Door No.39, R.V.E layout 1st street, Kangeyam Road, Ward No.24, Tiruppur Town, Tiruppur South Taluk, Tiruppur District.

Prayer in W.P.No.28295 of 2019:- This writ petition is filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus call for the records of the second respondent in No.RFL/Joint Sub-Registrar 2, Tiruppur/13/2019 dated 27.08.2019 and quash the same and further direct the 2nd respondent to admit and register release deed dated 22.08.2019 with respect to Plot No.8 part together with building thereon comprised in S.No.44/1 part and 44/2, Tiruppur Village bearing Door No.39, R.V.E layout 1st street, Kangeyam Road, Ward No.24, Tiruppur Town, Tiruppur South Taluk, Tiruppur District.

W.P.Nos.28291 & 28295 of 2019

For Petitioner : Mr.V.P.Sengottuvel

For Respondents 1 and 2: Mr.T.M.Pappiah,
Special Government Pleader

For 3rd Respondent : Mr.J.Purushothaman,
Government Advocate

For 4th Respondent : Mr.M.Maharaja,
Special Government Pleader (HR&CE)

COMMON ORDER

The case of the petitioners is that, the lands comprised in S.Nos.44/1 & 44/2 at Tiruppur Village, Kangeyam road were originally owned by one R.V.E.Venkatachala Gounder. He has developed the said lands as lay out and plotted into 80 residential plots. The plots were purchased by several individuals. In the sequence, at last, one U.Sulaiman purchased Plot Nos.9 & 8 respectively. He is the husband of the first petitioner and father of the petitioners 2 and 3.

2.After the death of U.Sulaiman, the petitioners have entered into family arrangement and the shares of the petitioners 1 and 2 have been released in respect of the third petitioner, by executing release deeds in respect of Plot Nos.9 & 8 respectively. When the said deeds were sought to be registered before the second respondent, he has refused to register the same on the ground that the alleged lands are Temple lands.

3.In these writ petitions, the petitioners seek for certiorarified mandamus to quash the proceedings of the second respondent dated 27.08.2019 in respect of Plot Nos.9 and 8

respectively and to direct the second respondent to register the documents presented by the petitioners.

4.The impugned orders of the second respondent indicate that in view of the classification of the lands as Government/HR&CE/Wakf Board/Boomidhan/Panchami Land, the documents presented by the petitioners in respect of Plot Nos.9 & 8 respectively have been returned.

5.The learned Special Government Pleader appearing for HR & CE (fourth respondent) would submit that in an identical situation, a Division Bench of this Court in *Sudha Ravi Kumar v. Special Commissioner and Commissioner* (2017 (3) CTC 135) has issued the following directions:-

"25.

(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, these writ petitions are disposed of. The impugned orders passed by the second respondent dated 27.08.2019 are set aside and remanded back to the second respondent. The second respondent is directed to follow the above directions issued by the Division Bench scrupulously and reconsider the document presented by the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (Cj Conf)

/true copy/

Sub Asst. Registrar

jbm

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To

1.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

2.The Joint Sub-Registrar-II,
Tiruppur.

3.The Assistant Commissioner,
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4.The Executive Officer,
Arulmigu Vesweswara Swamy
Veeraragava Perumal Temples,
Easwaran Koil Street,
Tirupur - 641 604.

+1 cc to Mr.VP.Sengottuvel Advocate sr82693
+1 cc to Special Government Pleader (HR & CE) sr83257
+1 cc to Government Pleader sr83615

W.P.Nos.28291 & 28295 of 2019

ln(co)
aa22/10/2019

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