



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4359 of 2019

N.Venkatasalam Chettiar
S/o.V.Narayanan Chettiar,
The Chairman of the Board of Trustees,
Sri Rangam North Adaivalanjan
Naatu Kottai Ariyakudi
Chidambaram Anna Chathiram Trust,
Ariyakudi, Karaikudi Taluk,
Sivagangai District.

... Petitioner

Vs

1.The Joint Registrar-III,
Town Hall, Trichy,
District Registration Officer,
Trichy, Trichy District-2.

2.A.Rahamathullah

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 22.11.2018, in Na.Ka.No.352/2018 of the first respondent and quash the same and consequently, direct the first respondent to register and release the exchange deed dated 22.11.2018 submitted by the petitioner trust and the second respondent.

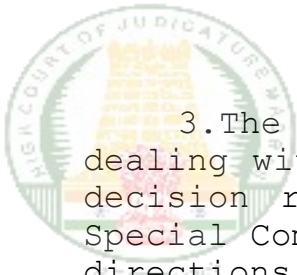
For Petitioner : Mr.B.Prasanna Vinoth

For R1 : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner wanted to exchange a piece of land with the second respondent. When the exchange deed dated 22.11.2018 was presented before the first respondent, the first respondent declined to register the same on the ground that in the Guideline Value Register, the document has been shown as if it belongs to Hindu Religious and Charitable Endowments Department. This communication is under challenge in this writ petition.



3. The Hon'ble Division Bench of the Madras High Court while dealing with a similar issue passed the following directions in the decision reported in 2017 (3) CTC 135 (Sudha Ravi Kumar vs. The Special Commissioner & Commissioner, HR & CE Department). The said directions read as follows :

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"25. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:

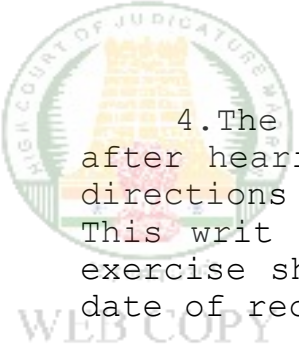
"(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector/religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having 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..."



4. The first respondent shall intimate the concerned temple and after hearing all the parties concerned and following the aforesaid directions given by the Hon'ble Division Bench, decide the issue. This writ petition is disposed of on these terms. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

To

The Joint Registrar-III,
Town Hall, Trichy,
District Registration Officer,
Trichy, Trichy District-2.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-63203[F] dated
27/04/2019)

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CS (29/05/2019) 3P 3C