



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 5481 2019

D.Kumarathi Ammal

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Nilakkottai Taluk,
Dindigul District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul-1. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Na.Ka.No.P 68/2014 to P 70/2014, dated 26.04.2016 refusing to register the Dhana Settlement dated 30.09.2014 tendered by the petitioner for registration of the property in Survey No.698/2,4 in Oruthattu Village, Ammayanaickanur, Nilakkottai Taluk, Dindigul District and quash the same and consequently, to direct the first respondent to register the Dhana Settlement in P 68/2014 to P 70/2014, dated 30.09.2014.

For Petitioner :Mr.S.Govindan

For Respondents :Mr.M.Murugan
Government Advocate

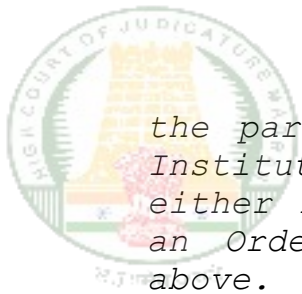
ORDER

The writ petitioner wants to settle her properties in favour of her daughters. When the settlement deed were presented for registration before the first respondent, the first respondent by the impugned communication dated 26.04.2016 returned the document on the ground that there is an objection raised by the second respondent.

2.The Hon'ble Division Bench in the decision reported in 2017 3 CTC 135, while considering the similar issue, passed the following directions.

<https://hcservices.ecourts.gov.in/hcservices/>

(1) 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 Objection/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 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 straightway approach the Civil Court for declaration of title and other relief without availing the opportunity for filling 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."

3. Respectfully following the aforesaid decision, the order impugned in this writ petition is quashed and the matter is remitted to the file of the first respondent who shall follow the directions set out above. The entire exercise shall be concluded within a period of four months from the date of receipt of a copy of this order. The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Sub Registrar,
Registration Department,
Nilakkottai Taluk,
Dindigul District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul-1.

+1cc to Mr.S.GOVINDAN, Advocate, SR.No. 62770

+1cc to M/s.Special Government Pleader,SR.No.63363

W.P. (MD) No.5481 2019
25.04.2019

RMI

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