

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.14332 of 2016
and W.M.P.No.12515 of 2016

K.S.Easwaramurthy
... Petitioner

Vs.

1. The Joint II Sub Registrar,
Joint II Sub Registrar Office,
Tiruppur.
2. The District Registrar,
Tiruppur.
3. The Inspector General of Registration,
Santhome High Road, Chennai - 4.
4. Arulmighu Visveswara Swamy and
Veeraraghava Perumal Thiru Koil,
Perumal Koil Veedhi,
Tiruppur.
5. The Hindu Religious and Charitable Endowments,
rep. by its Commissioner,
Nungambakkam, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st respondent to register and return the document being the Sale Deed dated 28.03.2016 to the petitioner.

For Petitioner : Mr. N.A. Nissar Ahmed
For Respondents : Mr. P.P. Purushothaman
Government Advocate (R1 to R3)
Mrs.G.Sumitra (R4)
Mr. R. Venkatesh,
Government Advocate (HR & CE) - R5

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to register and

return the document being the Sale Deed dated 28.03.2016 to the petitioner.

2.It is the case of the petitioner that the property in question belongs to the respondents 4 and 5, therefore, the 1st respondent, before registering the document, should issue a notice under Section 22A of the Registration Act to the parties and thereafter, decide whether to register the document or not.

3.Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of the Division Bench of this Court reported in 2017 (3) CTC 135 [Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others], wherein the Division bench of this Court held that in the case of the land/property belonging to the Temple, the Sub Registrar has to issue a notice under Section 22A of the Registration Act to the Temple, thereafter, to decide whether to register the document or not.

4.Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents 1 to 3 and Mr.R.Venkatesh, learned Government Advocate appearing for the 5th respondent also submitted that the issue involved in the present Writ Petition is covered by the judgment of the Division Bench of this Court reported in 2017 (3) CTC 135 [cited supra], therefore, the Writ Petition may be disposed of in the light of the order passed by the Division Bench.

5.The learned counsel appearing for the petitioner submitted that the petitioner would submit the documents before the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order.

6.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the judgment reported in 2017 (3) CTC 135 [cited supra], I direct the 1st respondent to pass orders, after issuing notice to the respondents 4 and 5, within a period of six weeks from the date of receipt of the documents.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint II Sub Registrar,
Joint II Sub Registrar Office, Tiruppur.
2. The District Registrar,
Tiruppur.
3. The Inspector General of Registration,
Santhome High Road, Chennai - 4.
4. Arulmighu Visveswara Swamy and
Veeraraghava Perumal Thiru Koil,
Perumal Koil Veedhi, Tiruppur.
5. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai.

+1cc to M/s.Sumitra, advocate in SR.29296

+1cc to the Government Pleader, High Court in SR.29245

W.P.No.14332 of 2016
and W.M.P.No.12515 of 2016

VG-II (CO)
RV(23/9/2020)



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