

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.38808 of 2015

M. Rathnambal

... Petitioner

v.

1. The Hindu Religious and Charitable Endowments,
Rep. By its Commissioner,
Nungambakkam, Chennai - 600 034.
2. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
3. The District Registrar,
Tiruppur Taluk & District.
4. The Joint II Sub Registrar
O/o. Joint II Sub Registrar,
Tiruppur Taluk & District.
5. Arulmighu Visveswara Swamy and
Veeraraghava Perumal Thirukoil,
Rep by its Trustee,
Perumal Koil Veedhi,
Tiruppur Taluk and District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the respondents 1 to 5 particularly, the 4th respondent to register the sale deed executed and presented by the petitioner to and in favour of the purchaser for the house property situated at Site No.10, Mangalam Road, L-Ward, Parapalayam, Tiruppur Town, Tiruppur Taluk & District comprised in S.No.128/1A, measuring to an extent of 3200 sq.ft.

For Petitioner	:	Mr. R. Thanjan
For Respondents	:	Mr. R. Venkatesh, Govt. Advocate - for R1

Mr. P.P. Purushothaman
Govt. Advocate - for R2 to R4
Mrs. G. Sumitra - for R5

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 5 particularly, the 4th respondent, to register the sale deed executed and presented by the petitioner to and in favour of the purchaser for the house property situated at Site No.10, Mangalam Road, L-Ward, Parapalayam, Tiruppur Town, Tiruppur Taluk & District comprised in S.No.128/1A, measuring to an extent of 3200 sq.ft.

2. It is the case of the petitioner that the sale deed submitted by the petitioner for registration before the 4th respondent has not been registered stating that the property belongs to the 5th respondent temple.

3. Mr. R. Thanjan, learned counsel appearing for the petitioner submitted that in the case of property belonging to a temple, the 4th respondent has to issue a notice under section 22A of the Registration Act and after hearing the temple as well as the executant of the document shall decide whether to register the document or not. Further, the learned counsel 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 v. The Special Recmissions 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, which 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. R. Venkatesh, learned Government Advocate, appearing for the 1st respondent and Mr. P.P. Purushothaman, learned Government Advocate, appearing for the respondents 2 to 4 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 4th 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 4th respondent to pass orders, after issuing notice to the 1st and 5th respondents, within a period of six weeks from the date of receipt of the documents.

With these observations, the Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai - 600 034.
- 2.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
- 3.The District Registrar,
Tiruppur Taluk & District.
- 4.The Joint II Sub Registrar
O/o. Joint II Sub Registrar,
Tiruppur Taluk & District.
- 5.Arulmighu Visveswara Swamy and
Veeraraghava Perumal Thirukoil,
Repl by its Trustee,
Perumal Koil Veedhi,
Tiruppur Taluk and District.

+1cc to M/s.Government Pleader, in SR.28846

W.P.No38808 of 2015

mg(co)
rv(24/9/2020)