

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No..28481 of 2016 and
W.M.P.Nos. 24589 & 24590 of 2016

P. Arun Prabhu

... 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 Thirukoil,
Rep. by its Executive Officer,
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 Certiorarified Mandamus, calling for the records of the 1st respondent dated 1.8.2016 and quash the same and consequently direct the 1st respondent to register and return the document being the sale deed dated 22.6.2016 bearing Doc. P45/16 to the petitioner.

For Petitioner : Mr. I. Kowser Nissar

For Respondents: Mr.B. Kannan
Govt. Advocate - for R1 to R3

Mrs. G. Sumitra - for R4

Ms.Jayantheeswari
Govt. Advocate - for R5

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent dated 1.8.2016, to quash the same and consequently direct the 1st respondent to register and return the document being the sale deed dated 22.6.2016 bearing Doc. P45/16 to the petitioner.

2. It is the case of the petitioner that the sale deed presented for registration before the 1st respondent on 22.6.2016 has not been released for the reason that the property belongs to the 4th respondent temple.

3. As per section 22A of the Registration Act, in the case of property belonging to a temple, the Registering Authority shall issue notice to the temple and after conducting enquiry, he should decide whether to register the document or not to register the document. The said ratio has been decided by the Division Bench of this Court in the Judgment reported in 2017 (3) CTC 135 [Sudha Ravi Kumar and another v. The Special Recommisions and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others] wherein the Division Bench of this Court held as follows:-

"... (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."

4. The learned counsel on either side submitted that the prayer sought for in the 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. 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 issue notice to the petitioner as well as the 4th respondent and after giving opportunity of hearing to both the parties, shall decide whether to register the document or not to register the document.

With these observations, the Writ Petition is disposed of.
No costs. Consequently, the connected Miscellaneous Petitions
are 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. The Executive Officer,
Arulmighu Visveswara Swamy and
Veeraraghava Perumal Thirukoil,
Perumal Koil Veedhi,
Tiruppur.
5. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai.

+1cc to M/s.G.Sumitra, Advocate, Sr.No.31390
+1cc to the Government Pleader, Sr.No.31692

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vsn ii (co)
rr ii (15/10/2020)