



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.17808 of 2020

R.Murugesan

...Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Madurai District.

3.The Executive Officer / Assistant Commissioner,
Arulmigu Subramania Swamy Thirukovil,
Thiruparankundram, Madurai.

4.The Tahsildar,
Thiruparankundram Taluk, Madurai.

5.The Sub Registrar,
Thiruparankundram, Madurai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 5th respondent to act accordingly in registering any documents pertaining to the land belonging to the petitioner in R.S.No.136/4 of Thiruparankundram Village, Madurai, after availing detailed report over the said property as to how the 3rd respondent is claiming the rights over the property within the time frame fixed by this Court.

For Petitioner : Mr.M.Gururaj
For Respondents : Mr.K.Sathya Singh,
Additional Government Pleader.

ORDER

The petitioner's case is that the third respondent temple does not have any right over the property in question. According to the petitioner, she is at liberty to deal with the property as she deem fit and that the registering authority ought to register the document as and when presented for registration.



2. Heard Mr.M.Gururaj, learned counsel appearing for the petitioner as well as Mr.K.Sathiya Singh, learned Additional Government Pleader, who takes notice on behalf of the respondents.

3. Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents would submit that the issue is covered by the order of this Court dated 09.11.2020, made in W.P.(MD). No.14234 of 2020.

4. In the above said order dated 09.11.2020, this Court has upheld the order of the Hon'ble Division Bench in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar and Ors. Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors.,** wherein it has been held as follows:

"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."

WEB COPY

5. This Court directs the registering authority to strictly adhere the directions set out above. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
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Thiruparankundram, Madurai.
4. The Tahsildar,
Thiruparankundram Taluk, Madurai.
5. The Sub Registrar,
Thiruparankundram, Madurai.

+1cc to SPL GP SR.No. 24599, 24930

Order made in

W.P. (MD) No. 17808 of 2020

08.12.2020

VB (04.01.2021) 3P 7C