



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.17817 of 2020

WEB COPY

P.Vetri Velayudha Perumal

: Petitioner

Vs.

- 1.The Secretary,
Hindu Religious & Charitable Endowment Department,
St. George Fort, Chennai.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Chennai.
- 3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirunelveli.
- 4.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Thanjavoor.
- 5.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Vadiveeswaram, Nagercoil.
- 6.The District Collector,
Kanyakumari District,
& Nagercoil.
- 7.The District Revenue Officer,
Kanyakumari District
& Nagercoil.
- 8.The Deputy Inspector General of Registration,
Tirunelveli.
- 9.The District Registrar,
Kanyakumari District.
- 10.The Assistant Director,
Town Panchayats, Nagercoil Region,
Collectorate, Nagercoil.
- 11.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

: Respondents

[11th respondent is *suo motu* impleaded as per
this order]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the Respondents 1 to 10 to take necessary steps to identify the properties belonging to the Hindu Temples in Kanyakumari District and object the Registration Department to register the lands further so as to prevent further alienations, conversions, transfers, mutations etc. as per petitioner's representation dated 18.11.2020.



For Petitioner : Mr.S.Sureshkumar
For Respondents 1 to 5 : Mr.K.P.Narayanakumar
Special Government Pleader
For Respondents 6 to 8 & 11 : Mr.M.Muthu Geethaiyan
Special Government Pleader
For 9th Respondent : Mr.K.Sathiya Singh
Additional Government Pleader

WEB COPY

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The grievance of the petitioner is that the officials of the H.R. & C.E. Department are not identifying and safeguarding the properties belonging to the H.R. & C.E. Department. Therefore, he has given a representation to the respondents on 18.11.2020 stating that the properties under the control of H.R. & C.E. Department are alienated, converted, transferred and mutated without following the provisions of the H.R. & C.E. Act. Since no action has been taken on the said representation, the petitioner has filed this Writ Petition.

2.Heard Mr.S.Suresh Kumar, learned counsel for the Petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents 1 to 5, Mr.M.Muthu Geethaiyan, learned Special Government Pleader appearing for the respondents 6 to 8 and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the 9th respondent.

3.According to the petitioner, the properties belonging to the H.R. & C.E. Temples, Mutts and Trusts are alienated, converted, transferred and mutated without following the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'the H.R. & C.E. Act'). As per Section 34 of the H.R. & C.E. Act, permission has to be obtained for leasing out or alienating the properties belonging to any religious institutions. The petitioner contends that many of the properties belonging to the H.R. & C.E. Department have already been sold out.

4.It is the duty of the Registering Authorities to strictly follow the provisions as prescribed under the H.R. & C.E. Act. They have to see as to whether the property, which is sought to be alienated or dealt with by any document, belongs to any religious institution and if so, they have to deny registration as per Section 22-A of the Registration Act, 1908.

5.In view of the same, this Court *suo motu* impleads the Inspector General of Registration, No.100, Santhome High Road, Chennai - 600 028, as the 11th respondent. Mr.M.Muthu Geethaiyan, learned Special Government Pleader takes notice on behalf of the newly impleaded 11th respondent. Registry is directed to carry out



necessary amendments in the cause title.

6. Though the grievance of the petitioner is only confined to Kanyakumari District, this Court directs the Inspector General of Registration not to register any document relating to the properties belonging to the religious institutions as per Section 34 of the H.R. & C.E. Act and deny permission under Section 22 - A of the Registration Act, 1908, throughout the State of Tamil Nadu. This Court further directs that the properties belonging to the religious institutions in Kanyakumari District have to be identified and listed and the same should be uploaded in the official Website of the H.R. & C.E. Department also. It is the duty of the authorities to see that no property belonging to the religious institution is sold or alienated without following the procedures and if anybody has done so, the authorities concerned have to act as per law and give a police complaint against those persons, who alienated or encumbered the properties belonging to the religious institutions. The said exercise has to be done by the authorities concerned at the earliest.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

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 Secretary,
Hindu Religious & Charitable Endowment Department,
St. George Fort, Chennai.
2. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Chennai.
3. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Tirunelveli.

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



- 4.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Thanjavur.
- 5.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Vadiveeswaram, Nagercoil.
- 6.The District Collector,
Kanyakumari District,
@ Nagercoil.
- 7.The District Revenue Officer,
Kanyakumari District
@ Nagercoil.
- 8.The Deputy Inspector General of Registration,
Tirunelveli.
- 9.The District Registrar,
Kanyakumari District.
- 10.The Assistant Director,
Town Panchayats, Nagercoil Region,
Collectorate, Nagercoil.
- 11.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

+1 CC to M/s.SPL GP (SR-24602[F] dated 09/12/2020)

W.P. (MD) No.17817 of 2020
07.12.2020

PM(CO)
KB(30.12.2020) 4P 13C