



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.1116 of 2021

1.R.Rajalakshmi

2.T.Sridharan

3.T.Sampath Kumar

...Petitioners

Vs.

1.The Commissioner,

Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,

Sri Renganathaswamy Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam,
Trichy District.

3.The Sub Registrar,

Sub Registrar Office,
Srirangam,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to register the sale deed dated 09.04.2010 pending on the file of the third respondent in Doc.No.P-68/2010 without insisting 'No Objection Certificate' from the second respondent and release the same forthwith.

For Petitioners : Mr.M.Vinoth Singh Misra

For Respondents 1 & 2 : Mr.K.P.Narayanakumar
Special Government Pleader

For 3rd Respondent : Mr.K.Sathiya Singh
Additional Government Pleader



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to register the sale deed dated 09.04.2010 without insisting for the 'No Objection Certificate' from the second respondent.

2. The case of the petitioners is that the subject property originally belonged to one Rengasamy and his sons and the same was purchased by one Kunjammal by virtue of a sale deed registered as Document No.391/1970. The said Kunjammal executed a 'Will' in favour of her son and she died in the year 2009. The legatee under the 'Will' wanted to sell the property in favour of the petitioners and a sale deed was also executed in favour of the petitioners on 09.04.2010. When the same was presented for registration, the third respondent refused to register the document and was insisting for 'No Objection Certificate' from the second respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard Mr.M.Vinoth Singh Misra, learned counsel appearing for the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.K.Sathyasingh, learned Additional Government Pleader appearing on behalf of the third respondent.

4.The issue involved in the present Writ Petition is squarely covered by the directions given by the Division Bench in **Sudha Ravi Kumar Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai 34 and others** reported in **2017 (3) CTC 135**. The relevant portion in the judgment is extracted hereunder :

"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.

(vi) Consequently the connected miscellaneous petitions are closed. No costs."

5. In view of the above directions issued by the Division Bench, it is left open to the third respondent to conduct an enquiry after issuing notice to the petitioners and the second respondent in line with paragraph No.25 (extracted above) and take a decision within a period of four weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the third respondent along with a copy of this order.

7. This Writ Petition stands disposed of with the above directions. No costs.

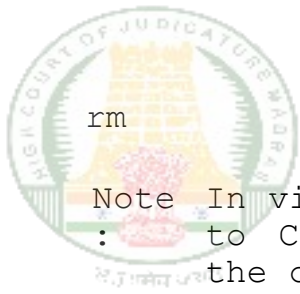
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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 Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.
- 2.The Joint Commissioner,
Sri Renganathaswamy Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam,
Trichy District.
- 3.The Sub Registrar,
Sub Registrar Office,
Srirangam,
Trichy District.

+1 CC to M/s.AGP (SR-15985[F] dated 16/04/2021)

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-15943[F] dated 16/04/2021

**W.P. (MD) .No.1116 of 2021
15.04.2021**

RK (28.04.2021) 4P 6C