



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14798 of 2021

A.Sathiya Bama

... 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,
Thirupparankundram, Madurai,

4.The Tahsildar,
Thirupparankundram Taluk,
Madurai.

5.The Sub Registrar,
Thirupparankundram,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth respondent to act accordingly in registering any documents pertaining to the land belonging to the petitioner's lands measuring about 1092.50 Square Feet (2 cents 220 1/2 Square feet), Plot No.10 in R.S.No.136/1C in Thirupparankundram Village, Madurai Village, Madurai South Taluk, Madurai District after availing detailed report over the said property within the time frame fixed by this Court.

For Petitioner : Mr.G.Sivaraja
For Respondents : Mr.R.Baskaran,
Counsel for State,
For R1, R2, R4 & R5.
: Mr.S.Manohar
For R3

ORDER

The petitioner seeks registration of documents relating to the land measuring about 1092.50 Square Feet, Plot No.10 in R.S.No.136/1C, Thirupparankundram Village, Madurai Village, Madurai South Taluk, Madurai District.



2.The petitioner states that she purchased the aforesaid lands on 27.08.1992, vide registered Document No.2214/1992. In order to meet medical and other expenses, the petitioner decided to sell the property and therefore, presented the sale deed for registration with the fifth respondent. According to the petitioner, she was orally informed that such property cannot be registered because the third respondent had issued a notification pointing out that no registrations should be affected in respect of the lands in Survey No.136/1C because the same belongs to Arulmigu Subramania Swamy Temple, Thirupparankundram. The present Writ Petition is filed in these facts and circumstances.

3.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1, 2, 4 and 5 and Mr.S.Manohar, learned Standing Counsel, accepts notice on behalf of the third respondent.

4.Learned counsel for the petitioner relies upon an earlier order dated 15.02.2021 in W.P.(MD).No.2981 of 2021 which followed a judgment of the Division Bench in ***Sudha Ravi Kumar and Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others, 2017 (3) CTC 135.***

5.In the case at hand, the fifth respondent has neither registered the document nor issued a reasoned order citing reasons for refusal. Section 71 of the Registration Act, 1908, imposes an obligation on the registering authority to issue a reasoned order in case such authority decides to refuse registration.

6.In the aforesaid facts and circumstances, the fifth respondent is directed to either register the document or indicate reasons for refusing to register the same by way of a reasoned order. In any event, a decision in this regard should be taken and communicated to the petitioner within a period of thirty (30) days from the date of receipt of a copy of this order. While passing such reasoned order, the fifth respondent is directed to take into account the judgment reported in ***2017 (3) CTC 135.***

7.Accordingly, W.P.(MD).No.14798 of 2021 is disposed of on these terms without any order as to costs.

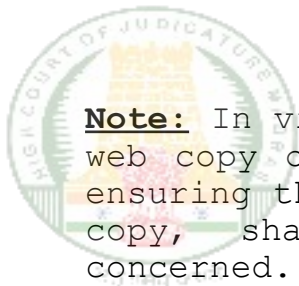
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

- 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,
Thirupparankundram, Madurai,
 - 4.The Tahsildar,
Thirupparankundram Taluk,
Madurai.
 - 5.The Sub Registrar,
Thirupparankundram,
Madurai.
- +1 CC to M/s.S.MANOHAR, Advocate (SR-27240[F] dated 25/08/2021)
- +1 CC to M/s.The Special Government Pleader (SR-27191[F] dated 25/08/2021)

W.P (MD) No.14798 of 2021
23.08.2021

RS (01.09.2021) 3P 8C