



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19615 of 2020

and

W.M.P. (MD)Nos.16336, 16338 & 16339 of 2020

1.V.Ponnusamy

2.K.Sakthivel

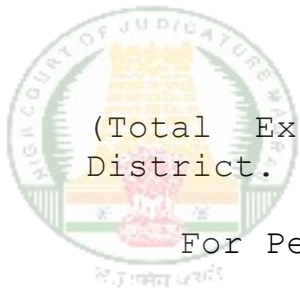
... Petitioners

Vs

1. The Joint Commissioner,
Hindu Religious Charitable Endowment Board,
Arulmigu Kalyana Venkataramasamy Thirukovil,
Thanthontrimalai,
Karur.
2. The Executive Officer,
Hindu Religious Charitable Endorsement Board,
Abaya Pradhana Renganatharswamy Thirukovil,
Arulmigu Kalyanavenkata Ramasamy Thirukovil,
Thanthontrimalai,
Karur.
3. The District Registrar,
Office of the District Registrar of Registration,
Karur,
Karur District.
4. The Sub Registrar,
Velliyanai Sub Registrar Office,
Velliyanai,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.633/2012/AA4, dated 29.09.2020 and quash the same and consequently, restraining the respondents in anyway disturbing the peaceful possession, title and the alienation of the property and execution of the sale deed by the petitioner of the lands in S.No.112/2 (9.42 acres), 144/1 (5.26 acres) and 146/1(3.82 acres)



(Total Extent of 18.5 acres) of the Emur Village of Karur District.

For Petitioners

: Mr.Veerakathiravan
Senior Counsel
for M/s.Veera Associates

For R1 & R2

: Mr.K.P.Narayanakumar
Special Government Pleader

For R3 & R4

: Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the petitioners and the learned Special Government Pleader appearing for R1 and R2 and the learned Additional Government Pleader appearing for R3 & R4.

2.The case of the petitioners is that the petition mentioned property was purchased by them and that they are developing it by forming the lay out.

3.The learned Senior Counsel points out that the issue regarding title was settled long time back and that the second respondent without any justification, issued the impugned order calling upon the registering authority not to register any document pertaining to the petition mentioned land.

4.I am of the view that without going into the factual aspects, the writ petition can be disposed of by following the directions given by the Hon'ble Division Bench in the decision reported in **(2017) 3 CTC 135 (M.Subramanian Vs. The Sub Registrar)**. The Hon'ble Division Bench, in the aforesaid decision, issued 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 straight away 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."

5. Respectfully following the same, the order impugned in the writ petition is set aside. The parties are directed to abide by the directions set out above. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// 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.

To

1. The Joint Commissioner,
Hindu Religious Charitable Endowment Board,
Arulmigu Kalyana Venkataramasamy Thirukovil,
Thanthontrimalai,



2. The Executive Officer,
Hindu Religious Charitable Endorsement Board,
Abaya Pradhana Renganatharswamy Thirukovil,
Arulmigu Kalyanavenkata Ramasamy Thirukovil,
Thanthontrimalai,
Karur.
3. The District Registrar,
Office of the District Registrar of Registration,
Karur, Karur District.
4. The Sub Registrar,
Velliyanai Sub Registrar Office,
Velliyanai,
Karur District.

+1 CC to The Special Government Pleader (SR-52[F] dated
05/01/2021)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-130[F] dated
05/01/2021)

W.P. (MD)No.19615 of 2020
04.01.2021

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AE/ (05/02/2021) 4P / 7C