



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.19067 of 2020

Mr.K.Vadivelu

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Y.Othakadai,
Madurai District.

2.Arulmigu Kalamega Perumal Thirukovil,
Rep. By its
The Executive Officer,
Thirumohoor,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to register the document to be submitted by the petitioner with regard to Plot No.70 in "Perumal Nagar" situated in Survey No.49/1A & 49/1B, Thirumohoor Village, Madurai North Taluk (Presently Madurai East Taluk), Madurai District measuring 4 cents 74 square feet and hand over the original documents to the petitioner.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.R.Suresh Kumar for R1
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to register the document submitted by the petitioner and to hand over the same after registration.

2. The case of the petitioner is that he is the absolute owner of the subject property by virtue of a registered sale deed dated 03.08.2010. The further case of the petitioner is that patta was also granted in his favour in patta No.931. The petitioner wanted to deal with the subject property and hence, executed a sale deed and presented the same for registration before the first respondent. The grievance of the petitioner is that the first respondent is refusing to register the sale deed, on the ground that there is an objection from the second respondent temple. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate,



appearing for the first respondent.

4. In the considered view of this Court, the issue involved in the present Writ petition is squarely covered by the Judgment of the Division Bench of this Court in **Sudha Ravi Kumar and others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors.** reported in **2017 (3) CTC 135**. It will be relevant to extract para 25 of the judgment herein:

"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.

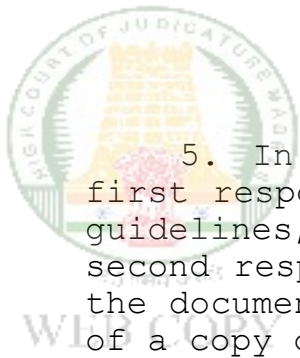
(ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.

(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, there shall be a direction to the first respondent to conduct an enquiry in accordance with the above guidelines, by affording opportunity to the petitioner and the second respondent and take a decision regarding the registration of the document, within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Sub Registrar,
Sub Registrar Office,
Y.Othakadai,
Madurai District.

2.The Executive Officer,
Arulmigu Kalamega Perumal Thirukovil,
Thirumohoor,
Madurai District.

+1 CC to M/s.SPL GP (SR-20760[F] dated 30/06/2021)

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