



W.P.No.2514 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2514 of 2008

1. V.Balasubramania Gurukkal (Deceased)

2. Smt.B.Thilagavathy

3. Smt.S.Sumathi

4. Sri.B.Thiyagarajan

...Petitioners

[Petitioners 2 - 4 substituted as
legal heirs of Deceased 1st petitioner
vide order dated 26.03.2021 made in
W.M.P.No.3928 of 2021 in
WP No.2514 of 2008 by ASMJ]

Vs.

1. The Inspector General of Registration,
Santhome, Chennai - 4

2. The District Registrar of Coimbatore,
Collectorate Campus, Coimbatore - 18

3. The Sub Registrar (Registration Department),
Udumalpet,
Coimbatore District.

4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admn) Dept.
Coimbatore - 18.



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5. The Commissioner,
Hindu Religious & Charitable Endowment (Admn) Dept.
Nungambakkam High Road,
Chennai - 34

6. Fit person
A/m.Chooleswaran Swamy Temple,
Gudimangalam, Udumalpet, Coimbatore Taluk.
(R-6 implied as per order dated
06.07.2011 by CNJ in MP No.1/2011 in
WP No.2514 of 2008]

.... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent herein to register sale deeds if presented relating to the personal lands belonging to the petitioner herein situated in S.No. 222 247 346 in Kudimangalam Village Udumalapet Taluk Coimbatore district.

For Petitioners : Mr.Mukunth for
M/s.Sarvabhauman Associates

For Respondents : Mr.U.Bharanidharan
AGP for R1 to R3
Mr.S.Yashwanth
AGP for R4, R5
M/s.Sithirai Anandan
for R6

ORDER



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This writ petition was filed for the issue of writ of Mandamus directing the 3rd respondent to register the sale deeds presented by the petitioner relating to the subject properties.

2. The case of the petitioner is that the land in question were originally inam lands and ryotwari patta was granted to the petitioner and his family members. The further case of the petitioner is that he is in possession and enjoyment of the subject properties and he wanted to deal with the properties. Accordingly, the sale deeds were presented for registration before the 3rd respondent.

3. The grievance of the petitioner is that the 3rd respondent refused to register the documents on the ground that the 4th respondent had issued a communication not to register the subject lands, since these lands belongs to Choolswaran Swamy Temple. Aggrieved by the same, this writ petition was filed before this Court seeking for appropriate directions.

4. A counter affidavit has been filed by the 4th respondent



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and a specific stand has been taken to the effect that the subject lands were endowed inam lands and the petitioner does not have any right over the property. It is further stated in the counter affidavit that the communication was sent to the Sub Registrar, since the inam lands were endowed to the temple and hence, the interest of the temple had to be safeguarded.

5. Heard Mr.Mukunth, learned counsel for the petitioner and Mr.U.Bharanidharan, learned Additional Government Pleader for respondents 1 to 3, Mr.S.Yashwanth, learned Additional Government Pleader for respondents 4 and 5 and M/s.Sithirai Anandan, learned counsel for 6th respondent.

6. In the considered view of this Court, the issue involved in the present writ petition is squarely covered by the order passed by the Hon'ble Division Bench of this Court in WP No.30589 of 2013 etc., dated 05.04.2017 and in cases of this nature, this Court had suggested the following procedure at Paragraph No.25 of the order and the same is extracted hereunder :-



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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,



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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.

7. In view of the above discussion, there shall be a direction to the 3rd respondent to comply with the above directions issued by the Hon'ble Division Bench and take a decision with regard to the registration or rejection of registration of the documents pertaining to the subject properties. This process shall be completed by the 3rd respondent within a period of 12 weeks from the date of receipt of the copy of this order.



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8. This writ petition is disposed of with the above

directions. No costs.

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Internet: Yes/No

Index: Yes/No

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N.ANAND VENKATESH,J.,

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