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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28628 of 2010
and M.P.No.1 of 2010

P.Sivakami Ammal

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Cuddalore District,
Cuddalore.
2. The Joint Sub Registrar-2,
Thirupapuliyur,
Cuddalore.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
Cuddalore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records of the 2nd respondent in Na.Ka.No.893/2010 dt.15.11.2010 enclosing the copy of the order of the 3rd respondent and his objection letter dt.24.9.2008 and quash the same and thereby direct the 2nd respondent to register the sale deed or any other deed executed by the petitioner in respect of the properties in S.Nos.279/1-0.25.0 Ares, 279/2-0.40.5 Ares, situate at Annavalli Village, Cuddalore Taluk.

For Petitioner	: Mr.N.Suresh
For RR1 and RR2	: Mr.Yogeshkannadasan Special Government Pleader
For RR3	: Mr.Chandrasekar Standing Counsel (HR&CE)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of certiorarified Mandamus, calling for the records of the 2nd respondent dt.15.11.2010 and quash the same and thereby



direct the 2nd respondent to register the sale deed or any other deed executed by the petitioner in respect of the properties in S.Nos.279/1-0.25.0 Ares, 279/2-0.40.5 Ares, situate at Annavalli Village, Cuddalore Taluk.

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2. The case of the petitioner is that the petitioner is the absolute owner of the properties situated in S.Nos.279/1-0.25.0 Ares, 279/2-0.40.5 Ares, at Annavalli Village, Cuddalore Taluk. The property originally belonged to Arulmigu Karpaga Vinayagar Temple, Gangamanayakankuppam, Cuddalore District and the said Temple is a denominational temple belonging to Hindu Naidu Community of the said Village and it does not come under the purview of the Hindu Religious Charitable Endowment Administration Department of Government of Tamil Nadu. Pursuant to the decree and judgment in the Civil Suit filed by the Temple, it has granted permission to sell the properties in the above said survey numbers and thereby, the Temple has sold the properties to the petitioner herein and pursuant to the sale, the patta was also transferred in the name of the petitioner. When the Sale Deed was presented for registration before the 2nd respondent, he has refused to entertain the document under the pretext that the properties were belong to the temple. Hence, the petitioner issued legal notice to the 2nd respondent on 13.11.2010 and on 15.11.2010, in reply to the said show cause notice, the 2nd respondent has sent the letter containing false allegations and also stated that the 3rd respondent issued general orders not to register Sale Deeds belonging to the Temples. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the Arulmigu Karpaga Vinayagar Temple is only a Denominational temple and it does not come under the purview of the H.R. & C.E Department. Therefore, the 2nd respondent without considering the materials facts, has passed the letter dated 15.11.2022. However this Court may conduct enquiry in between the petitioner and the 3rd respondent and both parties may produce the documents regarding title over the property and thereafter, the 2nd respondent may pass appropriate orders within a reasonable time as fixed by this Court.

4. The learned Special Government Pleader appearing for the 3rd respondent submitted that after hearing the 3rd respondent Department and the petitioner, the 2nd respondent may pass appropriate orders in accordance with law.

5. After careful consideration of the materials, this Court is of an opinion that without conducting any enquiry between the petitioner and the 3rd respondent Department, the present impugned order was passed. Therefore, the proceedings of the 2nd respondent in Na.Ka.No.893/2010 dt.15.11.2010, is set aside and the matter is remanded to the 2nd respondent for fresh



consideration and the 2nd respondent is directed to hear the petitioner and the 3rd respondent and conduct detailed enquiry in terms of Section 22A of the Registration Act, 1908, and pass appropriate orders.

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6. This Writ Petition is disposed of with the above observations. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Registration Department,
Cuddalore District,
Cuddalore.
2. The Joint Sub Registrar-2,
Thirupapuliyur,
Cuddalore.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
Cuddalore.

+1cc to Mr.N.Suresh, Advocate, S.R.No.10883
+1cc to the Government Pleader, S.R.No.11569

W.P.No.28628 of 2010

SV(CO)
CT 21/03/2022