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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7244 of 2022

Navin Chandran

... Petitioner

Vs.

- 1.The Sub Registrar,  
Kamaraj Avenue, Adyar,  
Chennai - 600 020.
- 2.The Inspector General of Registration,  
No.100, Santhome High Road,  
Raja Annamalaipuram,  
Chennai - 600 028.
- 3.The Commissioner (HR & CE),  
117, Uthamar Gandhi Road,  
Nungambakkam,  
Chennai - 600 034.
- 4.Arulmigu Arunachalaeswara Temple,  
Represented by its Joint Commissioner  
Cum Executive Officer,  
Sannathi Street,  
Thiruvannamalai - 606 601.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to register the sale deed dated 24.11.2021 executed by the petitioner Mr.Navin Chandran, represented by his Power of Attorney Holder Mr.R.Chandran in favour of his purchaser in respect of the property bearing Door No.31 (Old Door No.11), previously plot no.19, Arunachalapuram 1st street, Adyar Chennai - 22 without insisting upon a "No Objection Certificate" from the third and fourth respondents.



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For petitioner : Mr.Rajnish Pathiyil

For Respondents : Mr.Yogesh Kannadasan(for R1 & R2)  
Special Government Pleader  
Mr.N.N.R.Arun Natarajan (for R.3)  
Special Government Pleader

#### ORDER

The petitioner has filed this petition seeking direction to the first respondent herein to register the sale deed dated 24.11.2021 executed by the petitioner, represented by his Power of Attorney in favour of his purchaser in respect of the property bearing Door No.31 (Old Door No.11), previously plot no.19, Arunachalapuram 1st street, Adyar Chennai - 22 without insisting upon a "No Objection Certificate" from the third and fourth respondents.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property comprised in part Old Survey No.41, TS No.58 part CA No.44 of 2010 now TS No.58/1, 58/2 and 59, Block No.3, bearing Door No.31, flat bearing no. D on the second floor, CR Enclave Apartment having a built up area 1150 sq.ft together with undivided share of 521 sq.ft of land out of the total extent of 2277 sq.ft, situated at Urur Village, Mylapore-Triplicane Taluk, Chennai District. The said property originally belongs to the Arulmigu Arunachaleswarar Temple, Thiruvannamalai and later by virtue of an order passed U/s.29 of the Madras Hindu Religious and Charitable Endowments Act, 1951, the Commissioner of HR & CE vide order No.4 of 1956 dated 09.04.1956 had sanctioned the sale of the said property and accordingly the Executive officer acting on behalf of the fourth respondent/Temple had executed a Sale Deed dated 17.03.1959 vide document no.524 of 1959 in favour of one G.Ponnuswamy Naicker on the file of Sub Registrar Office, Saidapet, and he also obtained patta in his name. Thereafter, the title of the land changed from hand to hand and every such transaction was reflected in the encumbrance certificate, and finally the petitioner purchased the property. Thereafter, the petitioner presented a document before the first respondent for executing the Sale



Deed, and the said document was refused to be registered on the ground that petitioner shall obtain 'No Objection Certificate' from the fourth respondent/Temple. Challenging the same, the present writ petition has been filed by the petitioner for the above relief.

4. The learned counsel appearing for the petitioner submits that the issue involved in the present writ petition is no more res-integra, as the similar issue was squarely covered by the Division Bench of this Court in the case of Sudha Ravikumar & another Vs. Special Commissioner & others, reported in (2017) 3 CTC 135. He particularly, relied upon the para 25 of the said order. The relevant portion of the said order is extracted hereunder:

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



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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. The learned Special Government Pleader appearing for the respondents submits that the petitioner's representation dated 26.10.2021 will be considered by the first respondent within the time frame that may be fixed by this Court, upon production of 'No Objection Certificate' from the fourth respondent.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, instead of directing the petitioner to produce 'No Objection Certificate' from the fourth respondent, directs the Registering Authority to conduct enquiry in between the petitioner and the fourth respondent, thereafter, pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The aggrieved parties may work out their remedy in terms of the direction issued in Sudha Ravikumar's Case (supra).

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

SD/-

ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

tri/nhs

To

1.The Sub Registrar,  
Kamaraj Avenue, Adyar,  
Chennai - 600 020.



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Arulmigu Arunachalaeswara Temple,  
Cum Executive Officer,  
Sannathi Street,  
Thiruvannamalai - 606 601.

+1cc to Mr.Rajnish Pathiyil, Advocate Sr.21270  
+1cc to the Government pleader Sr.21740  
+1cc to the Special Government pleader Sr.21159

W.P.No.7244 of 2022

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srg 22/04/2022