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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12841 of 2014
and
M.P.Nos.1, 2, and 4/2014

Arulmigu Visweswaraswamy and
Veeraragavaperumal Temple,
rep.by its Executive Officer,
C.Sivaramasuriyan

... Petitioner

Vs.

1. The District Revenue Officer,
Office of the Collectorate, Tirupur.
2. Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruppur.
3. The District Registrar,
Office of the Registration,
Tiruppur.
4. Mohamed Rabi
5. S.Natarajan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorai calling for the records relating to the proceedings of the 1st respondent in Na.Ka.10012/2013/J1 dated 3.1.2014 and to quash the same.

For Petitioner : Ms.R.Gouri

For RR1 to RR3 : Mr.M.Murali
Government Advocate

For RR4 : Mr.S.Doraisamy

For RR5 : Mr.K.Goviganesan



O R D E R

The petitioner has filed this petition for issuance of writ of Certiorari to call for the records relating to the proceedings of the 1st respondent in Na.Ka.10012/2013/J1 dated 3.1.2014 and to quash the same.

2. The case of the petitioner is that the Nattuvanga Service Inam Land comprised in S.F.No.188/2, 189/11, 189/5, 189/6, 189/8 and 189/10, measuring an extent of 7.68 acre situated at Tiruppur Nagar, Tirupur, then Coimbatore District, belongs to the petitioner Temple. However, the Settlement Tahsildar, issued proceedings dated 31.03.1969, granting ryotwari patta to third parties. Aggrieved by the said order of the Settlement Tahsildar, the petitioner Temple has filed an appeal in C.M.A.No.198/1990, before the Tribunal, which came to be dismissed on 13.02.1995, against which, the petitioner Temple has filed STA No.5/97, before this Court, which was allowed and the matter was remanded back to the Tribunal for fresh disposal and thereby CMA No.198/90 is pending. It is the further allegation of the petitioner Temple that the property absolutely belongs to the Temple and the petitioner is agitating the title over the ryotwari patta land before the Civil Court. While so, the impugned proceedings has been issued by the District Revenue Officer, Tirupur, directing the registration authority / 3rd respondent herein to allow registration of sale proceedings in respect of the properties which are the subject matter of dispute pending in CMA No.198/199, on the file of the Principle Sub Court, Coimbatore. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that by virtue of the impugned proceedings, the temple properties are being alienated by presenting the Sale Deed before the 3rd respondent for registration and when the petitioner agitating the title over the ryotwari patta land before the civil court in C.M.A.No.198/90, the impugned proceedings issued by the 1st respondent by allowing registration of the sale proceedings in respect of the properties, which are the subject matter of dispute, is not sustainable.

4. Though several grounds have been raised by the learned counsel appearing for the petitioner, he further submitted that the issue raises in the present case is no longer res integra, as the Division Bench of this Court in W.P.No.30589 of 2013 and etc. Batch (Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department) has passed a detailed order and held the procedures to be followed by the registering authority before



registering the documents. However it is the grievance of the petitioner that contrary to the said procedures as held in the said Division Bench judgment, the 1st respondent has passed the impugned order and hence prays this Court to set aside the order of the 1st respondent and to direct the official respondent to follow the procedures laid down in W.P.No.30589 of 2013 and etc. Batch

5. The learned Government Advocate appearing for the official respondents submitted that if the matter is remitted back to the respondent officials, the same may be considered after following the procedures as contemplated in the above cited decision in W.P.No.30589 of 2013 and etc. Batch and prays for appropriate orders in that regard.

6. This Court has carefully considered the rival submissions and also perused the materials available on record.

7. Facts in the present case is not in dispute. Admittedly, the petitioner Temple claims their title over the property, whereas the private respondents deserved title based on the order of the Settlement Tashildar. Further when there is a title dispute, the competent authority under the Registration Act, has to conduct adjudication in between the parties as per the decision of this Court in W.P.No.30589 of 2013 and etc. Batch, wherein it was held that:

'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 22A 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.'

8. This Court in the light of the facts narrated and the reasons assigned, is of the considered view that in the light of the above cited decision, the impugned proceedings of the 1st respondent dated 03.01.2014, warrants interference and it is to be remitted to the said authority for consideration and fresh adjudication in the light of the paragraph no.25 of the above cited decision.

9. In the result, the Writ Petition is allowed and the impugned communication Na.Ka.10012/2013/J1, dated 03.01.2014, is set aside and the matter is remitted to the 1st respondent, who shall take into consideration the directions contained in paragraph 25 of the decision in W.P.No.30589 of 2013 and etc. Batch, and pass orders in accordance with law. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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To

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1. The District Revenue Officer,
Office of the Collectorate, Tirupur.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruppur.
3. The District Registrar,
Office of the Registration,
Tiruppur.

+1cc to Mr.K.Goviganesan, Advocate, S.R.No.17217
+1cc to Mr.S.Doraisamy, Advocate, S.R.No.18227
+1cc to the Government Pleader, S.R.No.17773

W.P.No.12841 of 2014

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NSK 06/04/2022