



WEB COPY



W.P. No. 29034 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29034 of 2022

M.Mayilsamy Gounder

... Petitioner

-VS-

1. The Sub Registrar,
Negamam,
Pollachi Taluk,
Coimbatore,
Tamil Nadu - 642 120.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Coimbatore.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents herein to consider the Petitioner's representation dated 05.07.2022.

For Petitioner : Mr. P.Ayya Swamy

For Respondents : Mr. T.Arunkumar,
Additional Government (for R1)

Mr. K.Karthikeyan,
Government Advocate (for R2)



W.P. No. 29034 of 2022

WEB COPY

ORDER

Heard Mr. K.Ayya Swamy, Learned Counsel for the Petitioner, Mr. T.Arunkumar, Learned Additional Government Pleader appearing for the First Respondent and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the owner of the land in S. Nos. 137/3D and 137/3E in Perianegamam Village, Pollachi Taluk, Coimbatore District, having purchased the same by sale-deeds registered as Document Nos. 98, 99 and 742 of 1982 in the office of the Sub-Registrar, Negamam. According to him, registration of transactions of transfer of the said land has been prohibited under Section 22-A of the Registration Act, 1908, in furtherance to the Letter in Na. Ka. No. 1250/2011/16/A7 dated 12.07.2012 sent by the Assistant Commissioner (Additional Charge), Hindu Religious and Charitable Endowments Board, Coimbatore to the Sub-Registrar, Perianegamam and the District Registrar, Coimbatore mentioning in the enclosure thereto that the property in S. No. 137/3 of an extent of 17.35 hectares belongs to Arulmighu



W.P. No. 29034 of 2022

Kathirayaperumal Temple, Periyaneagamam. Since the Second Respondent refused to grant 'No Objection' certificate in favour of the Petitioner for creating encumbrance in respect of the said property, the Petitioner has filed this Writ Petition.

3. At this juncture, reference must be made to the manner in which a claim made by religious institutions under Section 22-A of the Registration Act, 1908 (as amended in the State of Tamil Nadu) has to be dealt by the Registering Authority as held by the Division Bench of this Court in ***Sudha Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai*** [(2017) 3 CTC 135]. If the said procedure has not been followed, it is for the aggrieved party to work out his remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to entertain any Writ Petition seeking to direct the Hindu Religious and Charitable Endowments Department to grant 'No Objection' certificate as sought by the Petitioner in this case. It is needless to clarify that no view has been expressed on the merits of the controversy involved in the matter.



W.P. No. 29034 of 2022

4. In fine, the Writ Petition is dismissed with the aforesaid observations. No

costs.

04.11.2022

vjt

Index: Yes/No

Note: Issue order copy by 06.01.2023.

To

1. The Sub Registrar,
Negamam,
Pollachi Taluk,
Coimbatore,
Tamil Nadu - 642 120.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Coimbatore.



WEB COPY



W.P. No. 29034 of 2022

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 29034 of 2022

04.11.2022