



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.1028 of 2022

and

W.M.P(MD)No.868 of 2022

P.Mala

...Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Trichy.

2.The District Registrar (Administration),
Office of the District Registrar of Registrations,
Trichy.

3.The Sub-Registrar,
Office of the Sub-Registrar,
mannachanallur, Trichy.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 4 to take appropriate action as against fifth respondent and to unlock public temple namely "MaduraiveeranSwamy temple and Periyakandiyamman PariPala Thevathaikal Thirukovil", situated in Mangalam Pudur Village, Thulaiyanandamm Post, Musiri Taluk, Trichy District, for the devotees, based on the representation dated 06.12.2021 and consequently direct the second respondent to refer the issue before the HR & CE Department, Trichy, to resolve the issue under Section 49 of Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959.

For Petitioner : Mr.S.Ramasundaravijayaraj

For Respondents : Mr.D.Ghandiraj
Special Government Pleader



ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with an order of the third respondent/the Sub Registrar, Mannachanallur, Trichy, dated 18.02.2020 and further order of the second respondent/the District Registrar (Administration), Trichy, dated 15.07.2020.

2.Heard Mr.S.Ramasundaravijayaraj, learned Counsel who appears for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader, who takes notice on behalf of the respondents.

3.Issues on facts arise and therefore it may not be proper on my part to examine the rights of the petitioner herein. Let me not examine the order, dated 18.02.2020, by which order the third respondent had refused registration of a document presented before him. But, a further appeal had been filed before the second respondent by the petitioner and the same came to be rejected and the point of limitation was put against the petitioner.

4.There has been no further discussion on facts in the order dated 15.07.2020. Let me interfere with that particular order and set aside the same and revert the petitioner back to the very same authority, namely, the second respondent and urge upon the second respondent to consider the directions and orders of the Hon'ble Supreme Court, which had also been affirmed by this Court, wherein, the general period of limitation has been extended particularly limitation to file appeals owing to the prevalent COVID-19 Pandemic.

5.The learned Counsel for the petitioner may impress upon the second respondent that the limitation point should not have been put as against the petitioner herein and invite a specific finding with reference to the orders of the Hon'ble Supreme Court as affirmed by this Court.

6.Let those orders be filed before the second respondent and thereafter, let the second respondent pass order in manner known to law by enquiring not only the petitioner but also the rival claimant mentioned as one Gayathri, who is the own daughter-in-law of the petitioner herein.

7.Let an enquiry be conducted by the second respondent on being satisfied about the issue of limitation as decided by the Hon'ble Supreme Court.

8.The order dated 15.07.2020 is set aside and parties are reverted back for further enquiry. The order dated 18.02.2020 will have to be examined once again by the second respondent.



9. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Trichy.
2. The District Registrar (Administration),
Office of the District Registrar of Registrations,
Trichy.
3. The Sub-Registrar,
Office of the Sub-Registrar,
mannachanallur, Trichy.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-2258[F] dated 24/01/2022)

+1 CC to M/s.SPL.GP (SR-2396[F] dated 25/01/2022)

W.P(MD) .No.1028 of 2022
24.01.2022

nsn(CO)
TR(11.02.2022) 3P 6C