



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.2204 of 2022

S.S.Ramakrishna,
Director,
Max Properties Private Limited.

... Petitioner

Vs.

The No.1 Joint Sub-Registrar,
(District Registrar Cadre),
Madurai North,
Integrated Registration Office Complex,
Y.Othakadai,
Madurai - 625 107.

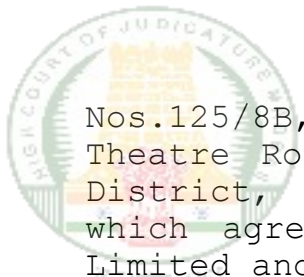
... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to register the Sale Agreement, dated 17.12.2021 in respect of the petitioner's immovable property bearing Flat No.B2, measuring 1106 Sq.Ft of super build up area with undivided share of 256 Sq.Ft., of the land with common rights in the access ways at Max Towers Residential Apartment at R.S.Nos.123/1 and 122/8 and New R.S.Nos.125/8B, 8C, 8D and 8E of Vilangudi I Bit Village, Pandiyan Theatre Road, Madurai North Taluk, Madurai North Sub-Registration District, Madurai North Registration District, Madurai District, within the limits of Madurai Corporation, executed between M/s. Max Properties Private Limited and Mr.S.Rajesh Kumar within a time frame.

For Petitioner : Mr.V.Nagendran
For Respondent : Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent / the No.1 Joint Sub-Registrar (District Registrar Cadre), Madurai North, Integrated Registration Office Complex, Y.Othakadai, Madurai, to register an agreement of sale dated 17.12.2021 presented by the petitioner with respect to Flat No.B2, measuring 1106 square feet of super build up area with undivided share of 256 square feet at Max Towers Residential Apartment at R.S.Nos.123/1 and 122/8 and New R.S.



Nos.125/8B, 8C, 8D and 8E of Vilangudi I Bit Village, Pandiyan Theatre Road, Madurai North Taluk, Madurai North Sub-Registration District, Madurai North Registration District, Madurai District, which agreement had been executed by one Max Properties Private Limited and S.Rajesh Kumar.

WEB COPY

2. The petitioner herein claims to be the Director of Max Properties Private Limited. It is the grievance expressed by the learned counsel for the petitioner that the respondent herein had informed that the property is temple property and therefore, there is a bar in registering any documents presented.

3. Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice on behalf of the respondent.

4. The learned Additional Government Pleader stated, on instructions, that the very same property covered under the agreement in Patta No.101 stands in the name of Arulmigu Meenakshi Sundareshwarar Temple, Madurai.

5. Section 22 A of the Registration Act, 1908 is as follows:

"22-A. Refusal to register certain documents:

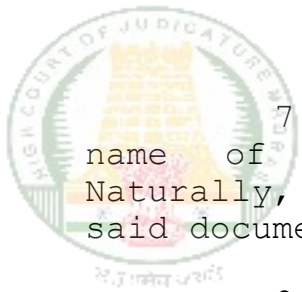
Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii) belonging to, or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;"

6. It is thus seen that any property belongs or has been endowed for the purpose of any religious institution to which, the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable, then the Registrar shall refuse to register the said document.



7. In the present case, the revenue records stand in the name of Arulmigu Meenakshi Sundareswarar Temple, Madurai. Naturally, the respondent herein has rightly refused to register the said document. The Writ Petition is misconceived.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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

The No.1 Joint Sub-Registrar,
(District Registrar Cadre)
Madurai North,
Integrated Registration Office Complex,
Y.Othakadai,
Madurai - 625 107.

+1 CC to M/s.SPL.GP (SR-4508[F] dated 07/02/2022)

+2 CC to M/s.V.NAGENDRAN, Advocate (SR-4424[F] dated 07/02/2022)

W.P. (MD) .No.2204 of 2022
03.02.2022

RD(15.02.2022) 3P 5C