



W.P(MD)No.13993 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13993 of 2022

and

W.M.P.(MD)Nos.9981 & 9984 of 2022

K.Madhuravalli

... Petitioner

Vs.

- 1.The District Registrar,
Madurai District.
- 2.The Sub-Registrar,
Tirumangalam Taluk,
Madurai District.
- 3.The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment,
Madurai.
- 4.The Assistant Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Madurai.
- 5.Arulmigu Vinayagar Koil,
Sivarakottai,
Kallikudi Taluk,
Madurai District,
through its fit person



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the Executive Officer,
of Arulmigu Jeya Veera,
Anjaneyar Temple,
Madurai.

6.The Assistant Director,
Town and Country Planning,
Madurai District.

7.The Block Development Officer,
Kallikudi Panchayath,
Madurai District.

8.The Additional Director,
Tamil Nadu Real Estate Regulatory,
Authority,
Chennai-3.

9.The Tahsildhar,
Tirumangalam Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to register the documents presented by the petitioner in respect of the property comprised in S.No.195/1 to an extent of 1 acre 80 cents, Sivarakottai Village, Tirumangalam Taluk, Madurai District in consonance with the orders dated 04.08.1969 in Sr.No.1136/M.I.Act/TMM/69, passed by the Settlement Tahsildhar, (Minor Inams), Madurai 23/7/2021, 6/8/2021, 7/2/2022 in proceedings Na.Ka.No.534/2021/Ma.Maa. Na.Ka.No.1506/2021/T5 File No.TNRERA/1280/2022 respectively passed by the respondents 6 to 8 on the basis of the petitioner's representation dated 12.06.2022.



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For Petitioner : Mr.R.G.Shankar Ganesh

For R1 to R4,
R6, R8 & R9 : Mr.J.K.Jayaseelan
Government Advocate

For R5 : Mr.S.Manohar
For R7 : Mr.John Rajadurai

ORDER

Heard the learned counsel on either side.

2. The petitioner wants to alienate the petition mentioned land. However, the registering authority is insisting that No Objection Certificate must be obtained from the fifth respondent. That led to filing of this writ petition.

3. This is because, R5 has given a letter of objections stating that without their consent, no sale deed has been registered. The Hon'ble Division Bench in W.P.Nos.30589 of 2013, dated 05.04.2017, while considering a similar issue, gave 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



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aggrieved may file a statutory appeal under the Act.

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(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 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.”

4. The Writ Petition is disposed of on the same lines. No costs.

Consequently, connected miscellaneous petitions are closed.

08.08.2022

Index : Yes / No
Internet : Yes/ No
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