



W.P(MD)No.21562 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21562 of 2021

K.Balamurugan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai,
Madurai District – 625 001.

2.The Sub Registrar,
Office of the Sub Registrar,
Y.Othakadai, Madurai,
Madurai District.

3.The Executive Engineer,
Arulmigu Kalamega Perumal Thirukovil,
Thirumohur,
Madurai District – 625 107.

... 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 2nd respondent to register the document to be submitted by the petitioner with regard to the plot Numbers, 89-D and 89-E in “Perumal Nagar” situated in old Survey No.48/6 and new survey No.48/7 Thirumohoor Village, Madurai North Taluk (Presently Madurai East Taluk), Madurai District measuring 5 cents and 5 feet (2185 Sq.f)



W.P(MD)No.21562 of 2021

and 5 cents (2180 Sq.) respectively and hand over orders as this Court may deem fit.

For Petitioner : Mr.G.Chandrsekar

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1.
Mr.J.K.Jayaseelan,
Government Advocate for R2.
Mr.S.Manohar for R3.

ORDER

Heard the learned counsel on either side.

2.The case of the writ petitioner is that the third respondent temple does not have any right over the property in question. According to the petitioner, he is at liberty to deal with the property as he deems fit and that the registering authority ought to register the document as presented for registration.

3.While considering a similar issue, the Hon'ble Division Bench in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar and Ors. Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors,** held as under :

“25.In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside



W.P(MD)No.21562 of 2021

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 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*



W.P(MD)No.21562 of 2021

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 registering authority shall adhere to the directions set out above.

Accordingly, the writ petition stands disposed of. No costs.

29.07.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai, Madurai District – 625 001.

2.The Sub Registrar,
Office of the Sub Registrar,
Y.Othakadai, Madurai,
Madurai District.



WEB COPY



W.P(MD)No.21562 of 2021



WEB COPY



W.P(MD)No.21562 of 2021

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.21562 of 2021

29.07.2022