



WEB COPY

WP(MD).No.23116 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.23116 of 2021

and

W.M.P(MD).No.19567 of 2021

R.Srinivasan

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome, Chennai-600 028.

2.The District Registrar,
District Registrar's Office,
Thanjaur.

3.The Sub Registrar,
Sub Registrar's Office,
Srirangam, Tiruchirapalli-620 006.

4.Sri Ranganathaswamy Temple,
represented by its Executive Officer/
Joint Commissioner, Srirangam,
Tiruchirapalli-620 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the third respondent in Registration Refusal No.168/2020 dated 05.08.2020, quash the same and grant such further or other reliefs as may be deemed fit and proper in the circumstances of the case.

For Petitioner : Mr.K.S.Vamsidhar

For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned Counsel for the petitioner Mr.K.S.Vamsidhar and Mr.N.Satheesh Kumar, learned Additional Government Pleader who takes notice on behalf of the respondents 1 to 3.

2.In view of the nature of the order passed now, notice is dispensed with to the fourth respondent.



3.The present Writ Petition has been filed in the nature of Certiorari, seeking interference with the order of the third respondent/the Sub Registrar, Srirangam, Tiruchirapalli, who refused to register a particular document presented and the order was passed on 05.08.2020.

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4.In the affidavit filed in support of the Writ Petition, it had been stated that the property in T.S.No.2020 of Ward No.I of Srirangam in Tiruchirapalli City Corporation, new Ward No.A, measuring 2800 square feet together with a house, Door No.62, West Uthra Street, Srirangam, originally belonged to one V.Raghavendran, son of Venkataramanan.

5.It is claimed that the property was also assessed with property tax. The petitioner herein, had purchased the property from V.Raghavendran under a sale deed, dated 06.10.2008. It was presented for registration to the third respondent in the year 2008 itself. The third respondent by way of the impugned notice and as stated by the learned Additional Government Pleader had sought for a No Objection Certificate to be produced by the petitioner herein, from the Hindu Religious and Charitable Endowments Department. The lands are classified as “அரசு நிலங்கள் இந்துமதக்கோவிலில் நிலங்கள்”, These lands fall under Section 22-A (1) (ii) of the Registration Act 1908.

6.If they fall under any one of the classifications under Section 22-A, there is a mandate that the Sub Registrar shall refuse to register the documents presented.

7.Section 22-A of the Registration Act 1908 is extracted below:

'Section 22-A ...

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

(i) ...

(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 applicatble'

8.These facts have not been stated by the learned Counsel for the petitioner during the course of his presentation of arguments. It is seen that for thirteen years the third respondent had kept the document pending, awaiting for production of a No Objection Certificate.



9.A No Objection Certificate cannot be produced because the land admittedly belongs to Sri Ranganathaswamy Temple. The said Temple has been shown as a fourth respondent.

10.The impugned order is an appealable order and that fact is also mentioned in the order itself. It is claimed by the learned Counsel for the petitioner that the Sub Registrar must issue notice to the fourth respondent, before taking such a decision. However, Section 22-A is a bar to the Sub Registrar to take any step towards registration.

11.The words are clear. The words are straight forward. The words are "shall refuse". This is what the Sub Registrar had done. He had given a small window to the petitioner to produce a No Objection Certificate. He had awaited for production of such No Objection Certificate for a period of thirteen years. The petitioner did not produce a No Objection Certificate. He has to suffer the impugned order.

12.It is also seen that the impugned order was passed on 05.08.2020 and the Writ Petition had been filed in the last week of December 2021, after about a year and four months. Certainly, the petitioner is not interested in pursuing the matter forward.

13.I would therefore, dismiss this Writ Petition. If the petitioner wants to file an appeal against the impugned order, I would keep that option open to the petitioner. But, he should have to explain the reasons for the delay, if at all an appeal can be filed with delay or an appeal cannot be filed with delay. If the reasons are not convincing, the Appellate Authority may straight away reject the appeal. If the Act permits, an appeal to be filed with delay, and if the reasons are convincing, the appeal may be taken up.

14.These are issues to be addressed only by the Appellate Authority and certainly not by this Court.

15.With these observations, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

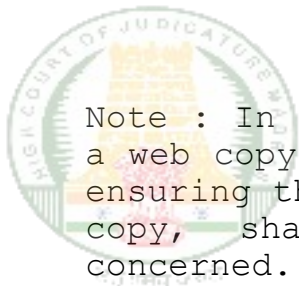
Assistant Registrar (P&A)

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/ /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.

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To
1.The Inspector General of Registration,
Registration Department,
Santhome, Chennai-600 028.

2.The District Registrar,
District Registrar's Office,
Thanjaur.

3.The Sub Registrar,
Sub Registrar's Office,
Srirangam, Tiruchirapalli-620 006.

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-15[F] dated 03/01/2022)

+1 CC to M/s.SPL.GP (SR-166[F] dated 04/01/2022)

W.P(MD) .No.23116 of 2021
03.01.2022

RD(25.01.2022) 4P 6C