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W.P.No.2622 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2622 of 2023

R.Thiripurasundhari

... Petitioner

Vs.

1.The District Collector,
Collectorate Complex,
Fort Main Road,
Salem – 636 001.

2.The Sub Registrar,
Jalakandapuram,
Edappadi Taluk,
Salem District.

3.The Joint Commissioner,
HR & CE, Salem.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to register documents such as sale agreement, sale deed, mortgage deed and other deeds of conveyance with respect to the lands comprised in S.No.529/2B Iruppali Village, Edappadi Taluk, Salem District as and when executed and presented either by the petitioner or his agent for registration after following the procedure prescribed for registration of documents under the Registration Act and the Tamil Nadu Registration Rules.



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For Petitioner : Mr.S.Mohameduduman

For Respondents : Mr.Yogesh Kannadasan, for RR1 & 2
Special Government Pleader
Mr.N.R.R. Arun Natarajan, for R3
Special Government Pleader

ORDER

The Writ Petition has been filed to direct the second respondent to register the documents that may be presented by the petitioner or her agent. According to the petitioner, she is in possession of the property and also acquired title to it through a settlement deed etc.

2. Learned counsel appearing for the respondents would submit that the property is the temple property and the document if any presented could not be registered. In a similar situation, this Court by order dated 13.07.2021 in Writ Petition No.2030 of 2021 issued the following direction, which reads as follows:-

“26 (i). The registering authority before whom the documents 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



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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 22-1 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.



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(vi) *Consequently the connected miscellaneous petitions are closed. No costs...'*

8. *Considering the above circumstances, the fourth respondent Sub Registrar is directed to issue notice to the petitioner as well as the HR & CE department and after considering the objections and documents, if any, pass suitable orders on merits and in accordance with law either to register or refuse to register the document. The above exercise should be conducted within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of on the above terms. No costs."*

3. In view of the above direction, the registering authority is directed to conduct enquiry as to whether the property which is sought to be registered in the temple property or not with the temple authorities and pass suitable order on merits, in accordance with law within a period of two months from the date of receipt of copy of this order.

4. With the above direction, the Writ Petition is disposed of. No costs.

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Index :Yes/No

Neutral Citation: Yes / No

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N.SATHISH KUMAR, J.

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