



Writ Petition No.28706 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.28706 of 2015
and M.P.Nos.1 and 2 of 2015

N.Ramachandran @ Ramasamy

... Petitioner

-Vs-

1. The Sub-Registrar,
Vanur, Villupuram

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department (HR & CE),
Villupuram.

3. The Thasildar,
Vanur Taluk, Villupuram District.

4. K.N.Sujatha Rajasekar

5. R.Sundarrajan

6. S. Anandan

7. S.Sethuramalakshmi

8. A.Sakthivel

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Letter issued by the 1st respondent dated 11.08.2015 received by the petitioner on 18.08.2015 in respect of



Writ Petition No.28706 of 2015

the pending document Nos.14, 15, 16, 17 & 18 /2015 and quash the same as illegal and consequently direct the 1st respondent to register the said documents and release the same.

For Petitioner : Ms.A.Shanthi
For Respondents : Mr.D.Ravichander
Special Government Pleader [R1
and R3
Mr.K.Karthikeyan
Government Advocate [HR & CE]
[R2]
Mr.M.Vijayaraghavan [R4 to R8]

ORDER

The relief sought for in this writ petition is to quash the impugned letter issued by the 1st respondent dated 11.08.2015 to the petitioner on 18.08.2015 in respect of the pending document Nos.14, 15, 16, 17 & 18 /2015 as illegal and consequently direct the 1st respondent to register the said documents and release the same.

2. The petitioner states that he is the absolute owner of the property comprised in S.No.323/6B situated at Bommaiarpalayam Village, Vanur Taluk, Villupuram District measuring an extent of 79.50 Acres. The petitioner acquired the said property through partition deed dated 12.04.1993 registered as Document No.822/1993.



Writ Petition No.28706 of 2015

3. Learned counsel appearing for respondents 4 to 8 made a submission that they have purchased the property from the petitioner.

However, on presentation of the sale deed before the Sub-Registrar for registration, the Sub-Registrar issued a impugned notice stating that the property belongs to Hindu Religious and Charitable Endowment Department [in short, HR & CE Department] and the Joint Commissioner, HR & CE Department raised an objection for registering the document. The Joint Commissioner, HR & CE Department, Villupuram District in his letter No.3488/2015 dated 03.06.2015 has stated that the subject property belongs to Venkatamariamman Kovil temple and therefore, the property belonging to the religious institutions cannot be registered in the absence of any No Objection Certificate from the competent authority of the HR & CE Department. Hence, the petitioner has filed the present writ petition challenging the notice issued by the Sub-Registrar based on the letter of objection submitted by the Joint Commissioner, HR & CE Department.

4. Section 22-A of the Registration Act, 1908 [in short, 'the Act'] was inserted by the Tamil Nadu Act, 2012 dated 21.06.2012 with effect from 20.10.2016. Section 22-A (1) reads as under:

“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;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under Section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958); or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995), unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced



before the registering officer;”

WEB COPY

5. Once the property belonging to or given or endowed for the purpose of any religious institutions to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable then the Registering Authority is empowered to refuse the registration of such document. In such circumstances, the parties are at liberty to approach the Civil Court to establish their title, failing which, the document cannot be registered.

6. High Court cannot adjudicate the disputed issues regarding the title and ownership. Such a roving enquiry cannot be conducted in a writ proceeding. The parties claiming property right has to establish the same by approaching the competent Civil Court of law based on documents and evidences available on record. Contrarily, the Registering Authority cannot form an opinion regarding the title or ownership.

7. In the present case, the impugned notice was issued based on the objection submitted by the Joint Commissioner, HR & CE Department stating that the said property is a temple property and it belongs to religious institutions. That being the factum, under Section 22-A(1) of the



Writ Petition No.28706 of 2015

Act, the Sub-Registrar has rightly declined to register the document and it is for the parties to approach the competent civil court of law for the purpose of establishing their title or ownership in the manner known to law.

With the above observations, this writ petition stands dismissed.

No costs. Connected miscellaneous petitions are closed.

06.06.2023

Index : Yes

Speaking order: Yes

Neutral Citation: Yes

mp

To

1. The Sub-Registrar,
Vanur, Villupuram
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department (HR & CE),
Villupuram.
3. The Thasildar,
Vanur Taluk, Villupuram District.



WEB COPY



Writ Petition No.28706 of 2015

S.M.SUBRAMANIAM, J.
mp

Writ Petition No.28706 of 2015

06.06.2023