



WEB COPY

WP No.12978 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-04-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12978 of 2023

1.N.Panneerselvam
2.M.Sathiamurthi

... Petitioners

Vs.

1.The Sub-Registrar, Joint II,
Thiruppadiripuliyur,
Cuddalore – 607 002.

2.The Executive Officer,
A/M Padaleeswarar Thirukkoil,
Thiruppadiripuliyur,
Cuddalore – 607 002.

3.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Nungambakkam High Road,
Nungambakkam,
Chennai-600 034.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records and quash the impugned refusal order dated 27.02.2023 passed by the first respondent in RFL/Joint-II, Cuddalore/3/2023 and consequently direct the first respondent to register the Sale Deed dated 23.02.2023.

For Petitioners : Mr.D.Baskar

For Respondent-1 : Mr.S.Ravichandran,
Additional Government Pleader.

For Respondents-2 and 3 : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR&CE)

ORDER

The refusal of Check Slip issued by the first respondent-Sub-Registrar, Joint II, Thiruppadiripuliyur in proceedings dated 27.02.2022, is under challenge in the present writ petition.

2. The petitioners state that a layout has been formed at 'PRS Nagar', Koothapakkam Village, Cuddalore Taluk, Cuddalore District. The petitioners further state that they did not obtain approval for layout and had



sold 22 plots, which all are registered by the first respondent. There are 271 more plots to be sold.

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3. The petitioners have presented all the relevant documents for registration of plot and the Sub Registrar issued the refusal Check Slip stating that the second respondent-Temple raised an objection for registration of any documents in respect of the subject property.

4. The learned Special Government Pleader (HR&CE) appearing on behalf of the respondents 2 and 3, made a submission that the Temple Authorities have submitted an objection letter to the Sub Registrar not to register any documents in respect of the subject property, which belongs to the temple.

5. In such circumstances, an enquiry is to be conducted by affording an opportunity to all the parties concerned. The issues in this regard are no more res integra as it has been decided by the Division Bench of this Court in a batch of writ petition Nos.30589 of 2013 etc., batch dated 05.04.2017, wherein in paragraph-25, it has been observed as under:-



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



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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.

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

6. In view of the abovesaid judgment of the Hon'ble Division Bench of this Court, the Sub Registrar has to conduct an enquiry with reference to the documents presented by the petitioners and thereafter take a decision on merits and in accordance with law. The petitioners are at liberty to raise their objections or otherwise by availing an opportunity to be provided. The Sub-Registrar shall issue notice to the Temple Authorities and all other parties, who all are connected with the subject property in question and thereafter take an appropriate decision.



7. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

26-04-2023

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1. The Sub-Registrar, Joint II,
Thiruppadiripuliyur,
Cuddalore – 607 002.
2. The Executive Officer,
A/M Padaleeswarar Thirukkoil,
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S.M.SUBRAMANIAM, J.

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