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W.P. No.9488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.03.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. No.9488 of 2023

The Secretary
Arcot Lutheran Church
9, ALC Campus
Cuddalore – 607 001.

... Petitioner

Vs.

1. Inspector General of Registration
100, Santhome High Road
Chennai – 600 028.

2. Additional Inspector General of Registration
100, Santhome High Road
Chennai – 600 028.

3. The District Registrar
Integrated Registration
Department Campus
Salem Main Road
K.Ponneri Village
Vriddhachalam – 606 001.

4. The Joint Sub Registrar of Assurances – 1
Vriddhachalam Sub Registrar Office
Ponneri Bypass Main Road
Near Rani Mahal

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Vriddhachalam – 606 003.

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5.Sub-Registrar of Assurances
Andimadam Sub Registrar Office
Vriddhachalam Road
Andimadam – 621 801.

6.Kremer Sandegren Foundation Pattukottai
No.16, St.John's Church Complex
Rockins Road, Trichy – 620 001.
Respondents

...

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to take appropriate action pursuant to the direction issued by the 2nd respondent vide letter No.28498/U2/2022 dated 05.09.2022 within a timeframe.

For Petitioner	:	Ms.Aishwarya S.Nathan
For Respondents	:	Mr.Yogesh Kannadasan Addl. Govt. Pleader for RR1 to 5

ORDER

By consent of both the learned counsel on either side, this Writ Petition is taken up for final hearing at the admission stage itself.

2.The petitioner seeks for a Mandamus directing the 3rd respondent to



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take appropriate action pursuant to the direction issued by the 2nd respondent vide Letter No.28498/U2/2022 dated 05.09.2022 within a timeframe.

3.It is averred in the affidavit of this petition that the property measuring 9.91 acres, comprised in Survey No.36/7, 36/8, 36/9, 36/10, 36/11, 36/12, 36/13, 36/14, 36/15, 37/1, 37/2, 37/4, 38/11, 38/12 was endowed to the Indian Conference of Danish Missionary Society and in the subsequent years, it was renamed as Arcot Lutheran Church, the petitioner herein, and a hospital was started in the name of D.M.Hospital and functioning since 1899, in the above mentioned subject property. While so, in the year 2022, the 6th respondent herein registered a General Power of Attorney in favour of third persons vide Document No.1281 of 2022 dated 18.03.2022. Immediately after knowing the above General Power of Attorney, the petitioner herein made representation before the respondents 1, 2, 3 and 5 on 16.08.2022. Upon receipt of the above representation, the 2nd respondent vide Letter No.28498/U2/2022 dated 05.09.2022 directed the 3rd respondent to take appropriate action in accordance with the provisions of the Registration Act. Since no action has been taken on the side of the 2nd



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respondent, the petitioner has preferred the present Writ Petition.

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4.Today, when the matter is taken up for hearing, the learned counsel for the petitioner prayed that it would suffice if a direction is issued to the 2nd respondent to consider and dispose of the representation of the petitioner within the time frame to be fixed by this Court and on such a positive direction, she prayed to permit the petitioner to file a detailed representation before the respondent concerned.

5.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 5.

6.Considering the submissions made by the learned counsel on either side, there shall be a direction to the petitioner, to make a detailed representation before the 3rd respondent within a period of one week from the date of receipt of a copy of this order and on such receipt of the representation from the petitioner, the 3rd respondent is directed to consider the same, on merits and in accordance with the procedure contemplated



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under Section 77A of the Registration Act, after giving due opportunity to all the parties concerned, within a period of eight weeks, thereafter.

7. With the above direction, this Writ Petition stands disposed of. No costs.

28.03.2023

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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To

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5.The Sub-Registrar of Assurances
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