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W.P.No.10143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10143 of 2023
and
W.M.P.No.10165 of 2023

Alexander

... Petitioner

Vs.

1. The Inspector General of Registration,
100 Santhome High Road,
Raja Annamalaipuram, Chennai 28.

2. The Director Registrar, Salem,
Ramasundaram Street,
Ammappettai, Salem 636001.

3. The Joint Sub registrar West No.I,
Sivathapuram, Chengikottai.

4. Arulmigu Angalaparameshwari Amman Temple,
Represented By Its Administrator,
MGR Nagar, Kananguruchi,
Salem - 636008.

... Respondents

(R4 suo motu impleaded vide order dated 17.07.2023,
made in WP.10143/2023 by SMSJ)

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order in Refusal Check Slip RFL/ 1 Joint Sub Registrar No.1 Salem- West/ 25/ 2022 dated 30.09.2022 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to register the instrument of Reconveyance executed on 7.09.2022 by V.S. Narasiman in favour of the petitioner within a reasonable period of time.

For Petitioner : Mr.C.Prabakaran

For Respondents
(for R1 to R3) : Mr.T.Arun Kumar,
Additional Government Pleader
(for R4) : No Appearance

ORDER

The refusal check slip issued by the 3rd respondent in proceeding dated 30.09.2022, is under challenge in the present writ petition.

2. The petitioner presented a sale deed for registration. The document presented was returned on the ground that the subject property is belonging to the temple namely Angalaparameshwari Amman Temple. The Registering Authority verified the documents and the Encumbrance Register and found that a gift deed was executed in favour of the temple in document No.3496 of 1953.



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3. One Marimuthu, S/o. Bethan, who is the former administrator of Angalaparameshwari Amman temple, which was situated at Harijan Street of Kannangurichi Village, gifted 2.69 acres of land in S.No.18/2 of Kannangurichi Village, Salem District to one Periannan, S/o. Bethan, the present administrator of Angalaparameshwari Amman temple as per the Document No.3496 of 1953.

4. The subject land has been gifted in favour of the temple. The gift settlement deed was executed with the conditions which reads as under:

(i) The Settlee doesn't have any right other than supervising the property belonging to the said Angalaparameshwari Amman temple in the capacity of administrator.

(ii) Pooja should be performed to the said temple according to the eternal order.

(iii) The Settlee doesn't have any right to create encumbrance in the settlement property as administrator other than to perform Swami Pooja and to protect the settlement property. Even if it does so, it is not legally valid.

(iv) This Gift settlement deed is subject to a condition which can not be cancelled, even if it does so, it is not legally valid.



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5. In view of the conditions imposed in the gift deed, the registering authority returned the sale deed presented by the writ petitioner for registration under Section 22A of the Registration Act. Under Section 22A, the Registering Authority shall refuse to register a document if the property is belonging to or given or endowed for the purpose of any religious institution.

6. In the present case, the subject property has already been gifted in favour of the temple and the gift deed is irrevocable and that being the factum, there is no infirmity in respect of the order impugned passed by the Registering Authority under the provisions of the Registration Act.

7. Accordingly, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

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