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WP No.13448 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.13448 of 2023

P.Jayavelu

... Petitioner

Vs.

- 1.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments,
Vellore and District.
- 2.The District Registrar (Administration),
Office of the District Registrar,
Registration Department,
Vellore and District.
- 3.The Sub-Registrar,
Office of the Sub-Registrar,
Pallikonda,
Vellore and District.
- 4.The Special Tahsildar (Temple Lands),
Office of the Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Vellore and District.



5. The Executive Officer,
Kingni Amman Temple,
Okkanapuram,
Anaicut Taluk,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the third respondent's proceedings in Refusal No.RFL/Pallikonda/Book 2/4/2021, dated 24.08.2021 and quash the same and consequently direct the third respondent to register the Settlement Deed dated 27.10.2020 in respect of the petitioner's land to an extent of 0.10 cents comprised in Old Survey No.14/1, New Survey No.14/1A1 situated at Okkanapuram Village, Anaicut Taluk, Vellore District without insisting NOC from the first respondent.

For Petitioner : Mr.G.Balamanikandan

For Respondents-1,4 and 5: Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR&CE).

For Respondents-2 and 3 : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The writ on hand has been instituted challenging the proceedings of the third respondent-Sub Registrar and for a direction to



register the Settlement Deed presented by the petitioner.

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2. The order impugned passed by the third respondent-Sub Registrar reveals that the petitioner has not submitted 'No Objection Certificate' from the Temple Authorities.

3. The learned counsel for the petitioner states that the land belonging to the petitioner and the Settlement Deed as presented in the prescribed format for registration. Thus there is no reason to reject the registration of the said Settlement Deed.

4. The learned Special Government Pleader appearing on behalf of the respondents 1,4 and 5 furnished the copy of the Chitta and 'A' Register and as per the said records, the subject property is belonging to the temple and therefore, the third respondent-Sub Registrar has to conduct an enquiry by affording opportunity to all the parties concerned and thereafter take a decision.



5. In this context, the judgment of the Hon'ble Division Bench of this Court in a batch of writ petition Nos.30589 of 2013 etc., batch dated 05.04.2017 in the case of **Sudha Ravi Kumar and Another vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and Others [2017 (3) CTC 135]**, wherein in paragraph-25, it has been observed as under:-

“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



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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-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 judgment of Hon'ble Division Bench of this Court, cited supra, the third respondent-Sub Registrar is directed to conduct an enquiry by affording an opportunity to all the parties concerned, including the Temple Authorities and thereafter take decision and pass



appropriate orders on merits and in accordance with law as expeditiously as possible.

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

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

To

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Vellore and District.
- 2.The District Registrar (Administration),
Office of the District Registrar,
Registration Department,
Vellore and District.
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S.M.SUBRAMANIAM, J.

Svn

4.The Special Tahsildar (Temple Lands),
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