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Writ Petition No.14344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2023

Coram:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition No.14344 of 2023

M.Aranganadhan

.. Petitioner

versus

1. The Joint Sub Registrar No.II,
Tiruppur,
Tiruppur District.

2. The Executive Officer,
Arulmighu Vishweshwaraswamy Temple
and Veeraraghava Perumal Temple,
Eswaran Kovil Street,
Tiruppur Town and District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip No.RFL/Joint Sub-Registrar No.II, Tiruppur/15/2022 dated 14.12.2022 of the 1st respondent and quash the same and consequently, direct the 1st respondent to register the Will dated 13.12.2022, which was presented by the petitioner.

For Petitioner :Mr.Vijaya Ragavan

For Respondents :Mr.S.Yaswanth
Additional Govt. Pleader (HR&CE)



Writ Petition No.14344 of 2023

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ORDER

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip No.RFL/Joint Sub-Registrar No.II, Tiruppur/15/2022 dated 14.12.2022 of the 1st respondent and quash the same and consequently, direct the 1st respondent to register the Will dated 13.12.2022, which was presented by the petitioner.

2.When the matter is taken up today for hearing, Mr.S.Yaswanth, learned Additional Government Pleader (HR&CE) appearing for the respondents would submit that the prayer of the petitioner is covered by an order of the Division Bench of this Court in ***Sudha Ravi Kumar and Another Vs. The Special Commissioner and Commissioner, HR &CE Department, Chennai and 2 others***, reported in ***2017 SCC OnLine Mad 19191*** and the 1st respondent has to follow the guidelines, as issued in paragraph No.26 of the above said order, which is extracted hereunder:

“26. 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



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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 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.”

3. In view of the above, the 1st respondent shall conduct enquiry after issuing notice to the rival parties viz., petitioner and the 2nd respondent and follow the guidelines stated in paragraph No.26 of the order made in **Sudha**



Writ Petition No.14344 of 2023

Ravi Kumar's case [cited supra].

4. With the above directions, the writ petition stands disposed of. No

Costs.

05.05.2023

Index : Yes/No

Speaking order / Non-speaking order

Neutral Citation: Yes/No.

ars/sai

To

1. The Joint Sub Registrar No.II,
Tiruppur,
Tiruppur District.

2. The Executive Officer,
Arulmighu Vishweshwaraswamy Temple
and Veeraraghava Perumal Temple,
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Writ Petition No.14344 of 2023

A.D.JAGADISH CHANDIRA,J

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Writ Petition No.14344 of 2023

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