



Writ Petition No.15560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.15560 of 2023
and WMP.Nos.15065 & 15066 of 2023

Ganesan

... Petitioner

-Vs-

1. The Assistant Commissioner,
Office of Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Salem – 1.

2. The Thakkar/Executive Officer,
Arulmigu Angalamman Thirukovil,
Veerapandi, Salem District.

3. The Special Thasildhar (HR & CE),
Salem.

4. Venkatachalam

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records with respect of the impugned order passed by the 1st respondent dated 17.04.2023 in proceedings in Na.Ka.No.1080/2023/E2 and quash the same.



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For Petitioner : Mr.R.Nalliyappan
For Respondent : Mr.N.R.R.Arun Natarajan
Special Government Pleader [HR
& CE] [R1 to R3]

ORDER

The writ of Certiorari has been instituted questioning the validity of the order dated 17.04.2023 issued by the Assistant Commissioner, HR & CE Department directing the second respondent Thakkar/Executive Officer of the Arulmigu Angalamman Thirukovil, Veerapandi, Salem District to file a complaint before the District Registrar for cancelling the illegal registration of certain documents in respect of temple properties.

2. The learned counsel for the petitioner mainly contended that the Assistant Commissioner passed an order on merits and such a finding would cause prejudice to the interest of the petitioner, if the process of adjudication is undertaken by the District Registrar of the Registration Department. Thus, the order impugned is untenable. It is contended that the Assistant Commissioner ought not to have formed final opinion with reference to the validity of the document.

3. Learned Special Government Pleader appearing on behalf of the respondents 1 to 3 raised an objection by stating that, it is a complaint to



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be adjudicated before the District Registrar of the Registration Department. The second respondent Thakkar/Executive Officer is directed to file a complaint before the District Registrar in respect of the reasons furnished in the order impugned and therefore, the contention of the petitioner is incorrect. The reasons are to be given even for filing a complaint for cancellation of documents. The reasons construed by the Assistant Commissioner is to adjudicate between the parties before the District Registrar and such a finding cannot be a conclusive effect as far as the documents registered under the Registration Act is concerned.

4. This Court is of the considered opinion that the Assistant Commissioner, H.R & C.E. Department being a competent authority under the provisions of the Act, even for submitting a complaint or to direct the Executive Officer to file a complaint has to record reasons and such reasons are given for adjudication. Therefore, it cannot be considered as final one for the purpose of cancelling the document registered under the provisions of the Registration Act. Thus, an adjudication is required from the hands of the District Registrar and the Assistant Commissioner/first respondent directed the Thakkar/Executive Officer to file an appropriate complaint before the District Registrar,



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since the Assistant Commissioner found that the temple property has been illegally registered by way of irregular documents. Thus, the order impugned would not provide cause for adjudication before the High Court in a writ proceedings.

5. The petitioner will be getting an opportunity to adjudicate and defend his case before the District Registrar since the Assistant Commissioner directed the Thakkar/Executive Officer to file a complaint before the District Registrar for cancellation of documents registered under the Registration Act in respect of temple properties. Thus, the petitioner is at liberty to defend his case in the event of filing a complaint by the Thakkar/Executive Officer before the jurisdictional District Registrar seeking cancellation of the documents.

6. It is needless to state that in respect of temple properties any person/devotee can approach the District Registrar for cancelling the document or otherwise under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1986.



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With these observations, this writ petition stands dismissed. No

costs. Connected miscellaneous petitions are closed.

05.06.2023

Index : Yes

Speaking order: Yes/No

Neutral Citation: Yes/No

mp

To

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Veerapandi, Salem District.
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S.M.SUBRAMANIAM, J.

mp

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