



WEB COPY

W.P.No.20584 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20584 of 2023
and W.M.P.No.19972 of 2023

K.Selvaraj

...Petitioner

Vs.

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The District Revenue Officer,
Tiruppur District, Tiruppur.
- 3.The Tahsildar,
Dharapuram Taluk, Tiruppur District.
- 4.The Takkar/Executive Officer,
Arulmigu Kaasi Viswanathar and Varadhraja
Perumal Temple,
Ponnapuram, Dharapuram Taluk,
Tiruppur District.
- 5.The Sub-Registrar,
Dharapuram, Tiruppur 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 relating to the impugned order passed by the 5th respondent in his



proceedings Na.Ka.No.993/2022, dated 03.01.2023 and quash the same and consequently directing the 5th respondent to receive and entertain the Settlement Deed to be produced by the petitioner and register the same.

For Petitioner : Mr.C.Prakasam

For R1 to R3
& R5 : Mr.T.Arunkumar
Additional Government pleader

ORDER

The order dated 03.01.2023 issued by the Sub-Registrar, Dharapuram, based on the objections given by the authorities of Arulmigu Kaasi Viswanathar and Varadhraja Perumal Temple, Ponnapuram Village, Dharapuram Taluk, Tiruppur District is under challenge in the present Writ Petition.

2.The petitioner presented a settlement deed for registration. The document was returned along with the impugned order dated 03.01.2023 stating that there was objection from the temple authorities and therefore the Sub Registrar is unable to determine whether the subject property is a temple property or a private property.



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3.The Tahsildar, Dharapuram addressed a letter to the Sub-Registrar vide letter dated 10.10.2022. In the said letter it is stated that the Executive Officer of Arulmigu Kaasi Viswanathar and Vardhraja Perumal Temple has preferred an appeal regarding the subject land in Survey Nos.103, 107 and 109 at Narayanapuram Village, Dharapuram Taluk, Tiruppur District. Subsequently, the disputed facts between the parties exists. Since there is an objection from the Executive Officer of the temple, such objections are to be considered with reference to Section 22(A) of the Registration Act. The registering authority is empowered to refuse registration of a document if the subject property is belonging to or given or endowed for the purpose of religious institution to which Hindu Religious and Charitable Endowment Act is applicable. Thus, in the event of an objection from the temple authorities, the registering authority is empowered to refuse registration. In the present case, the Tahsildar, Dharapuram also has addressed a letter to the Sub Registrar, Dharapuram stating that the temple is also claiming right over the subject property. The dispute exist between the parties and therefore, the Sub-Registrar has refused to register the document presented by the petitioner.



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4.This being the factum, the petitioner is at liberty to approach the competent civil court of law for the purpose of establishing his title by impleading the temple also as a party to the litigation.

5.With these observations the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.09.2023

cse

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order



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