



WEB COPY

W.P.No.21290 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21290 of 2023

and

W.M.P.Nos.20689 & 20695 of 2023

1.Chandra S. Metha

2.Rajashree N Metha

3.Sasikala R Metha

4.Naresh S Metha

5.Vishal Rajkumar Metha

6.Salini Surana

... Petitioners

Vs.

1.The District Registrar,
Chengalpet.

2.The Tahsildar,
Thiruporur, Chengalpet.

3.The Sub-Registrar,
Thiruporur, Chengalpet District.

4.Renuga Devi

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 and 3 herein from registering any document in respect of the property of an extent of 4.17.50 hectares in Survey No.168/3E1A1A1C2A on the basis of the proceedings dated 25.04.2023.

For Petitioners	: Mrs.A.L.Gandhimathi Senior Counsel For Mr.L.Palani Muthu
For R1 to R3	: Mr.D.Ravichander Special Government Pleader
For R4	: Mr.V.P.Sengottuvel Senior Counsel For Mr.Satchithanantham

ORDER

The relief sought for in the present writ petition is to forbear the respondents 1 and 3 from registering any document in respect of the property of an extent of 4.17.50 hectares in Survey No.168/3E1A1A1C2A on the basis of the proceedings dated 25.04.2023.

2. The petitioners state they are joint owners of the property in S.F.No.168/4, 168/5 and 168/6 comprised in Pattipulam Village, Thiruporur Taluk. The petitioners have narrated the facts and the basis for deriving title



in respect of the said property.

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3. The grievances of the writ petitioners are that the 4th respondent is attempting to register the document in respect of the subject property for which the patta stands in the name of Nemmili Alavandar Charitable Trust and 52 others under the patta No.467. The 4th respondent had already presented a document for registration. The Registering Authority refused to register the document on the ground that an objection was raised by the Executive Office of the Nemmili Alavandar Charitable Trust, which is a Religious Institution under Section 22-A of the Registration Act.

4. The learned Government Advocate appearing on behalf of the Hindu Religious and Charitable Endowments Department also reiterated the fact that Nemmili Alavandar Charitable Trust is a religious institution and the Executive Office has already raised an objection for registering any document under Section 22-A of the Registration Act.

5. That apart, the objections raised by the private persons cannot be entertained by the Registering Authority for the purpose of refusing registration. The persons, who all are falling under Section 22-A alone is



empowered to submit objections and such objections are to be considered by the Registering Authority for the purpose of refusal of registration. In respect of private objections the parties are to be relegated to approach the Competent Civil Court of Law for establishing their right.

6. The learned Senior Counsel appearing on behalf of the writ petitioners mainly contended that the patta stands in the name of the petitioners and the genuinity of the patta also has been reiterated by the Tahsildar.

7. However, the learned Senior Counsel appearing for the purchaser of the subject property, who has not been impleaded as party in the present writ petition made a submission that a Civil Suit is also pending in respect of the subject property in O.S.No.128 of 2020 on the file of Principal District Court, Chengalpattu.

8. When the civil suit is pending in respect of the subject property, the private objections filed by the petitioners, not to register any document, cannot be entertained. However, the subject property belonging to the religious institution cannot be held registered without any NOC from the



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Trust. Therefore, the parties have to work out their remedy in the manner known to law.

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9. With these observations, this Writ Petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

19.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

- 1.The District Registrar,
Chengalpet.
- 2.The Tahsildar,
Thiruporur, Chengalpet.
- 3.The Sub-Registrar,
Thiruporur, Chengalpet District.



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