



W.P.No.2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22765 of 2023

P.Vimal

... Petitioner

Vs.

1.The District Registrar (Salem West),
No.313, 3rd Floor,
District Registration Office Campus,
Salem Collectorate Building,
Kottai Main Road, Salem – 636 001.

2.The Sub-Registrar,
Suramangalam Sub-Registrar Office,
Jagir Ammapalaym Main Road,
Salem District.

3.The Assistant Commissioner,
Hindu Religious and
Charitable Endowments Department,
Salem – 636 001.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent i.e., S.R.O, Suramangalam, Salem District to accept the Sale Deed dated 03.07.2023 for the Registration thereby considering the petitioner's application in Token No.TP/154498974/2023 dated 03.07.2023.

For Petitioner	: Mr.N.Vijaya Basker for M/s.Law Vision
For R1 & R2	: Mr.C.Jayaprakash, Government Advocate
For R3	: Mr.K.Karthikeyan, Government Advocate (HR &CE)

ORDER

The writ petition has been filed for directing the 2nd respondent / the Sub-Registrar, Suramangalam, Salem District to accept the Sale Deed dated 03.07.2023 for the Registration thereby considering the petitioner's application in Token No.TP/154498974/2023 dated 03.07.2023.



2. The petitioner states that he has proposed the purchase the subject property from his vendor and had presented a Sale Deed for registration before the Sub-Registrar / 2nd respondent on 03.07.2023. The petitioner states that the owner of the subject property is one Tmt. Pappa Ammal with whom, the petitioner had entered into an agreement for purchase of the property.

3. The registering authority returned the document along with the Refusal Check Slip on the ground that there was an objection by the Temple under Section 22-A of the Registration Act. The 3rd respondent / Hindu Religious and Charitable Endowments Department made a submission that the subject property is belonging to Arulmigu Kandhaswamy Thirukoil, Jagir Kamanaickenpatti, Salem Taluk and District.

4. The learned Government Advocate appearing on behalf of the 3rd respondent furnished a copy of the Document No.1729 of 1941, in which the original owner of the property gifted the subject property in favour of the said Temple.



5. In revenue records, certain manipulations were done by subsequent occupants and actions are taken to cancel all such entries made inadvertently or fraudulently to resume the property belonging to the Temple.

6. The learned Government Advocate brought to the notice of this Court that actions are initiated for eviction of encroachers and illegal occupants in the Temple property under the provisions of the Hindu Religious and Charitable Endowments Act.

7. As far as the Refusal of registration of document presented by the petitioner is concerned, under Section 22-A of the Registration Act, the religious institutions are entitled to raise their objections and in the present case, it was raised by the Hindu Religious and Charitable Endowments Department and thus, the registering authority had refused to register the Sale Deed presented by the petitioner.

8. Thus, this Court do not find any infirmity in respect of the Refusal. It is for the 3rd respondent to initiate all appropriate actions to resume the Temple property in the manner known to law.



9. With these observations, the writ petition stands dismissed. No costs.

WEB COPY

04.08.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The District Registrar (Salem West),
No.313, 3rd Floor,
District Registration Office Campus,
Salem Collectorate Building,
Kottai Main Road, Salem – 636 001.
- 2.The Sub-Registrar,
Suramangalam Sub-Registrar Office,
Jagir Ammapalaym Main Road,
Salem District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem – 636 001.



WEB COPY

W.P.No.2



S.M.SUBRAMANIAM, J.

skr

W.P.No.22765 of 2023

04.08.2023