



W.P.No.25962 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.25962 of 2023

and

W.M.P.No.25375 of 2023

Thenmugam Vellodu Sathanthai,
Kula Makkal Narpani Mandram,
Rep. By Its Secretary, N.T. Kannusamy.

... Petitioner

Vs.

1.The Sub-Registrar,
Aval Poonthurai Sub Registrar Office ,
Erode (Dt).

2.The District Registrar,
District Registrar Office,
Erode (Dt).

3.The Executive Officer,
Thenmugam Vellode Rasa Kovil,
Camp Office- Arulmigu Sellandi Amman Thirukovil,
HR & CE Department, HR & CE Board,
Kunnathur Rd, Perundurai, Erode (Dt).

4.The Joint Commissioner,
HR & CE Department, Erode Region,
20, Chinnamuthu Street,
Perundurai Road, Erode 638 011.

... Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of impugned endorsement/ order dated 24.7.2023 made by the 1st respondent in Doc. No. RFL/ Avalpoonthurai/ 74/ 2023 in Temporary Registration No. TP/ 156663115/ 2023 dated 24.07.2023 and to quash the same and consequently direct the 1st respondent to register the document in Temporary registration No. TP/ 156663115/ 2023.

For Petitioner : Mr.G.Raja

For Respondents
(for R1 & R2) : Mr.C.Jaya Prakash
Government Advocate
(for R3 & R4) : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

The Refusal Check Slip issued by the Sub-Registrar, returning the sale deed presented by the petitioner for registration, is under challenge in the present writ petition.

2. The petitioner is Thenmugam Vellodu Sathanthai, Kula Makkal Narpani Mandram. It is not in dispute that the petitioner have initiated



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steps to construct a new temple in the place adjoining to the place where an ancient temple was situated. For the purpose of constructing a new temple, the petitioner-Association collected donations from the people of that locality in the name of the ancient temple and purchased the land measuring to an extent of 3.19 acres.

3. The petitioner, after constructing the temple with the help of the local people, conducted Kumbh Abhishekam and intimation was given to the H.R. & C.E. Department one day prior to the Kumbh Abhishekam.

4. The entire land measuring 3.19 acres was purchased for construction of the temple and now the temple has been constructed and being worshipped by the people of that locality. While so, the petitioner has taken a decision to sell a portion of the property for the purpose of constructing Mandapam in the remaining land. In this regard, a sale deed was presented for registration. The document was returned on the ground that no objection certificate is to be obtained from the H.R. & C.E. Department.



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5. It is not in dispute that the subject property was purchased for construction of the temple which is falling under the control of the H.R. & C.E. Department. Thus, it is a temple property purchased by the petitioner-Association from and out of the donations collected from the public at large. That being the factum, the 'No Objection Certificate' from the H.R. & C.E. Department is mandatory since the entire land was purchased from the public funds for construction of the temple and by using the name of the ancient temple situated adjacent to the new temple constructed.

6. The registering authority is empowered to refuse registration if the subject land belongs to the religious institutions. Under Section 22A of the Registration Act, in the event of an objections or if the registering authority has knowledge about the subject land, the authority is empowered to refuse registration and thus, this Court do not find any infirmity in respect of the order impugned. The petitioner, if at all, has decided to construct Mandapam or any other building for the benefit of the temple or the devotees, then necessary approval is to be obtained from the competent authorities of the H.R. & C.E. Department under the H.R. & C.E. Act. In the event of submitting any such application seeking permission or



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otherwise, the authorities have to consider the matter on merits and in accordance with law.

7. With these observations, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1.The Sub-Registrar,
Aval Poonthurai Sub Registrar Office ,
Erode (Dt).

2.The District Registrar,
District Registrar Office,
Erode (Dt).

3.The Executive Officer,
Thenmugam Vellode Rasa Kovil,
Camp Office- Arulmigu Sellandi Amman Thirukovil,
HR & CE Department, HR & CE Board,
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S.M.SUBRAMANIAM. J.,

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