



WEB COPY

W.P.No.26305 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26305 of 2023
and W.MP.No.25714 of 2023

A/M Kailasanathar Thirukkcoil,
Naduveerapattu,
Represented by
Managing Trustee,
P.M.Vaithilingam,
S/o Murugesu Mudaliar,
Naduveerapattu,
Cuddalore Taluk
Cuddalore District

... Petitioner

Vs.

1.The District Registrar,
(Administration),
Cuddalore – 607002,
Cuddalore Taluk
Cuddalore District

2. The Inspector & Hindu Religious Charitable Endowment Department
Cuddalore – 607001,
Cuddalore Taluk
Cuddalore District

3.Mr. D. Krishnamurthy

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records and quash the proceedings of the 1st respondent in Na.Ka.No.4580/Aa4/2023 dated 30.06.2023.

For Petitioner : Mr. R. Gururaj
for Mr.D.Baskar

For Respondent 1 : Mr. T. Arunkumar,
Additional Government Pleader

For Respondent 2 : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

The enquiry notice dated 30.06.2023 issued by the District Registrar asking the petitioner to participate in the process of enquiry held on 29.08.2023 is under challenge in the present writ petition.

2. The petitioner Arulmighu Kailasanathar Thirukkoil, represented by the Managing Trustee challenged the enquiry notice mainly on the ground that the District Registrar has no authority to call upon the temple to participate in the process of enquiry.

3. The learned counsel for the petitioner mainly contended that the sale



deeds were executed long back in respect of the temple property and such documents cannot be the subject matter of enquiry by the District Registrar and the aggrieved persons have to approach the competent civil court of law.

4. The learned Special Government Pleader appearing on behalf of the Hindu Religious & Charitable Endowments Department raised an objection by stating that the cause title in the present writ petition would indicate that the writ petition has been filed in the name of the temple. However, the enquiry notice impugned was issued to Vaithilingam in his individual capacity. Though he is the Managing Trustee of the temple, he in his individual capacity was asked to appear before the District Registrar for enquiry.

5. The learned Special Government Pleader further contended that Mr.M.Vaithilingam who is holding the post of Managing Trustee himself sold the property belonging to the temple in a fraudulent manner.

6. Whether the Managing Trustee sold the temple property in violation



of the Act or in an illegal manner is to be enquired into by the competent authorities. Under the Hindu Religious & Charitable Endowments Act, the officials are empowered to initiate action, if they identify any illegality, irregularity or otherwise.

7. No writ against an enquiry notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. A person who received such notice is expected to participate in the process of enquiry to defend his case in the manner contemplated and by availing the opportunities provided by the authorities.

8. High Court cannot entertain a writ petition on the single ground that the document was registered long before. There may be several other grounds for the purpose of conducting enquiry and thus, the petitioner has to participate in the process of enquiry for the purpose of defending his case by producing the documents and evidences available on records.

9. The learned Additional Government Pleader made a submission that



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the power to conduct an enquiry has been conferred on the District Registrar under section 22B of the Registration Act and by invoking the powers, enquiry notice was issued to the writ petitioner and therefore, the petitioner cannot predetermine the issues which all are to be adjudicated by affording opportunity to all the parties.

10. Thus, the petitioner is at liberty to submit his defence statement along with the documents in order to establish his case in the manner known to law.

11. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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