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W.P. No. 34585 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34585 of 2023

K.R.Vaithiyanathan

... Petitioner

-VS-

The Commissioner,
Hindu Religious and Endowment Board,
Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Respondent in Na. Ka. No. 4724/2022/R.1-1 dated 07.03.2022 and quash the same as void and ultra vires the provisions of the Tamil Nadu HR & CE Act, 1959.

For Petitioner : Mr. P.R.Krishnaraj

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

ORDER

Heard Mr. P.R.Krishnaraj, Learned Counsel for the Petitioner and
Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for



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the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims that the property in Survey No. 441/2013, Sunambedu, Cheyyur Taluk, Chengalpattu District 128/3, Dalavaipalayam Village, Pollachi Taluk, Coimbatore District belongs to him, but the Respondent by Proceedings in Na. Ka. No. 4724/2022/R1-1 dated 07.03.2022 has asserted ownership over those properties resulting in prohibiting the registration of transaction of transfer of the said propeprty, which is assailed in this Writ Petition.

3. At this juncture, reference must be made to the manner in which a claim made by religious institutions under Section 22~A of the Registration Act, 1908 (as amended in the State of Tamil Nadu) has to be dealt by the Registering Authority as held by the Division Bench of this Court in ***Sudha Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai*** [(2017) 3 CTC 135]. If the said procedure has not been followed, it is for the aggrieved party to work out his remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to grant the relief as sought by the Petitioner in this case.



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4. In view of the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure, and he has also made an endorsement to that effect in the court record. It is hastened to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

21.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

vjt

To

The Commissioner,
Hindu Religious and Endowment Board,
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P.D. AUDIKESAVALU, J.

vjt

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