



W.P(MD)No.939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.939 of 2023

K.Ramesh

... Petitioner

Vs

1.The State represented by
The Inspector General,
Department of Registration,
No.100, Santhome High Road,
Chennai - 28.

2.The Deputy Inspector General of Registration,
Department of Registration,
Othakadai,
Madurai.

3.The District Registrar,
Department of Registration,
Dindigul,
Dindigul District.

4.The Sub-Registrar,
Office of the Sub-Registrar,
Natham,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to permit the petitioner to execute any transaction like sale, gift, mortgage, lease etc., in



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respect of his Patta lands in survey number 264/5A an extent of 55 cents and Survey number 264/6A1A an extent of 55 1/2 cents (Patta No.2517) situated at Natham Village, Dindigul District by considering the petitioner's representation dated 17.12.2022 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The specific allegation of the petitioner is that when the petitioner went to present the document in respect of the petition mentioned land, the registering authority declined to entertain the same on that ground that the land in question has been classified as temple land. The Hon'ble Division Bench in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others)** had held as follows:

“26. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:



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"(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector/religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.

(ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.

(iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.



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(v) *We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered.*

(vi) *Consequently the connected miscellaneous petitions are closed. No costs."*

Adopting the very same approach, I permit the petitioner to re-present her present petition mentioned documents. On such representation, the fourth respondent is directed to adhere to the procedure mentioned above. This writ petition is disposed of accordingly. There shall be no order as to costs.

14.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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To

WEB COPY

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G.R.SWAMINATHAN, J.

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