



W.P.(MD) No.2456 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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Travancode Church Council,
Rep., by its President,
Rev.N.Wilson,
No.461/7, Hentry Road,
Nagercoil, Kanyakumari District.

.. Petitioner

Vs.

1.The District Registrar,
Registration Department,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Sub Registrar Office,
Palliyadi & Post,
Kanyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to accept the sale documents to be presented and register the Sale Deed dated 17.07.2019 in respect to the property of R.S.No.524/12 at Vazhvachakostam Village, Kalkulam Taluk, Kanyakumari District by



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virtue of the orders passed by the first respondent in
O.Mu.No.4553/A1/2019 dated 07.11.2019.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The petitioner seeks a mandamus to the second respondent to accept and register the sale deed dated 17.07.2019 in respect of the property by reason of the orders passed by the first respondent.

2. The petitioner would submit that even prior to Independence, properties of the London Mission Churches have been registered as per the Societies Act and the properties are spread over through out Kerala and Kanyakumari District. Separate bye-laws were framed in order to manage Churches and its properties in the year 1939 itself and it is as per these bye-laws, the Churches function. While so, the petitioner decided to sell eight cents to two persons and planned to construct a social



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welfare hall in another plot for which he has obtained permission from the property General Body and Executive Body of the society. The petitioner decided to sell an extent of 4.592 cents to one Gimon and the said document was presented for registration on 20.08.2019. On a perusal of the same, the Sub Registrar, viz., the second respondent returned the document refusing to register the same stating that the property belonged to a Trust and therefore, permission of the civil Court had to be obtained. This return, on the face of it, is erroneous particularly when the sale deed has been executed pursuant to the decision taken by the General Body and the authorisation of the council for management of properties. The petitioner is a society. The petitioner would submit that the bye-laws of the petitioner society would clearly state that the petitioner has the ultimate power to sell any property for the development of the Travancore Church.

3. It appears that the first respondent had recommended for registration of the said sale deed. Therefore, this Writ Petition is disposed of directing the second respondent to follow the instructions



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given by the first respondent in his communication bearing
O.Mu.No.4553/A1/2019 signed on 07.11.2019. No costs.

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

abr



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To

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2.The Sub Registrar,
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P.T.ASHA, J.

abr

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