



W.P.(MD)No.2922 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2023

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**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.2922 of 2020

and

W.M.P.(MD)Nos.2485 and 2486 of 2020

S.Mary Dhanaselvi

.. Petitioner

Versus

1.Assistant Commissioner,  
Hindu Religious & Charitable Endowment Department,  
Dindigul.

2.District Registrar,  
Dindigul.

3.Sub Registrar,  
Chinnalapatty,  
Dindigul District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to communication dated 04.12.2015, issued by the first respondent to the second respondent in Na.Ka.No.3089/2010 A3, quash the same and further direct the first respondent to conduct an enquiry with respect to the title relating to S.No. 31/7 of Kalikkampatti Village, Dindigul Taluk, by giving opportunity to the petitioner.



W.P.(MD)No.2922 of 2020

For Petitioner : Mr.S.Anand Chandrasekar  
For R1 : Mr.N.Ramesh Arumugam  
Government Advocate  
For R2 and R3 : Mr.K.S.Selvaganesan  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the communication dated 04.12.2015, issued by the first respondent to the second respondent in Na.Ka.No.3089/2010 A3.

2. Heard Mr.S.Anand Chandrasekar, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the first respondent and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents 2 and 3.

3. The case of the petitioner is that the subject property originally belonged to her father-in-law by virtue of the registered sale deed, dated 16.07.1971. Thereafter, the father-in-law of the petitioner died intestate, leaving behind his wife and the husband of the petitioner as his legal heirs. The husband of the petitioner died on 16.01.2001 intestate leaving behind the petitioner, his daughters and his mother as his legal heirs. The petitioner's mother-in-law executed a settlement deed in favour of the petitioner and her



daughters. The petitioner wanted to settle her share in the property in favour of her daughters. When the petitioner approached the third respondent in this regard, it was informed to the petitioner that the first respondent has sent a communication, dated 04.12.2015, restraining the registration of any documents pertaining to the subject property. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The issue that is involved in the present Writ Petition is covered by the judgment of the Division Bench of this Court in **Sudha Ravi Kumar and others vs. The Special Commissioner and Commissioner of Hindu Religious and Charitable Endowments Department, Chennai and others** reported in **2017 (3) CTC 135**. The relevant portion in the said judgment is extracted hereunder:-

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

*(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.*

*(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.*



W.P.(MD)No.2922 of 2020

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

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5. In view of the above, as and when any document is presented by the petitioner for registration, the Sub-Registrar shall deal with the same in the light of the guidelines given by this Court supra. This will sufficiently take care of the grievance expressed by the petitioner.

6. The Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No  
Internet : Yes

03.10.2023

To

- 1.The Assistant Commissioner,  
Hindu Religious & Charitable Endowment Department,  
Dindigul.
- 2.The District Registrar,  
Dindigul.
- 3.The Sub Registrar,  
Chinnalapatty,  
Dindigul District.



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W.P.(MD)No.2922 of 2020

**N.ANAND VENKATESH, J.**

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W.P.(MD)No.2922 of 2020  
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