



W.P. (MD) No. 2927 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 2927 of 2023

Sheeba Sambath

... Petitioner

-VS-

1.The Joint Commissioner,
Hindu Religions & Charitable Endowment Department,
Seelapadi, Dindigul.

2.The Assistant Commissioner,
Hindu Religions & Charitable Endowment Department,
Dindigul.

3.The Sub-Registrar,
Palani 11, Sub Registrar Office,
Dindigul District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the Respondent No.1 and 2 to issue no objection certificate to register a sale deed in connection with the petitioner's property situated at Survey number 70/1, 70/2 at Andipatti Village, Palani Taluk, Dindigul District by the way of considering the petitioner's representation dated 03.01.2023.



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For Petitioner : Mr. R.Venkatesan
For Respondents : Mr. P.Subbaraj
Special Government Pleader

ORDER

Heard Mr. R.Venkatesan, Learned Counsel for the Petitioner and Mr. P.Subbaraj, Learned Special Government Pleader appearing for all the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to have acquired rights in respect of the property at Survey Nos. 70/1 and 70/2 at Andipatti Village, Palani Taluk, Dindigul District through a registered Sale-Deed dated 21.09.2007 and when she presented a sale-deed executed by her before the Third Respondent, it was refused to be registered under Section 22-A of the Registration Act, 1908 (as amended in the State of Tamil Nadu) citing that the property belongs to Arulmigu Kaattuperumal Koil. In that backdrop, the Petitioner had made a representation dated 03.01.2023 to the Second Respondent seeking 'No Objection' certificate for registration of the said land in her name and as no action has been taken thereon, she has filed this Writ Petition.



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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 her remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to entertain any Writ Petition seeking to direct the Hindu Religious and Charitable Endowments Department to grant 'No Objection' certificate as sought by the Petitioner in this case. In view of the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty resort to the aforesaid procedure and he has also made an endorsement to that effect in the court record. It is needless to clarify that no view has been expressed on the merits of the controversy involved in the matter.

In fine, the Writ Petition is dismissed as withdrawn granting such



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liberty. No costs.

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NCS : Yes/No

Index : Yes/No

Note: Issuer order copy by 10.05.2023.

To

- 1.The Joint Commissioner,
Hindu Religions & Charitable Endowment Department,
Seelapadi, Dindigul.
- 2.The Assistant Commissioner,
Hindu Religions & Charitable Endowment Department,
Dindigul.
- 3.The Sub Registrar,
Palani 11, Sub Registrar Office,
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P.D.AUDIKESAVALU,J.

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