



W.P(MD)No.3079 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3079 of 2023
and
W.M.P(MD)No.2870 of 2023

S.Saravanan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
St.Marks Street,
Behind John Higher Secondary School,
Tirunelveli.
- 3.The District Registrar (Admin),
Integrated Complex of Registration Department,
St.Marks Street,
Behind John Higher Secondary School,
Tirunelveli.
- 4.The Sub Registrar Joint - II,
Thirunelveli.



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5.The Advisory Body to Thondai Mandala Adheenam,
Through its Chairman,
No.2, Vallabai Street,
Chokkikulam,
Madurai – 625 002.

6.The Administrator,
Thondai Mandala Adheenam,
No.57, Niminthakara Street,
Periya Kancheepuram – 631 502.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records
relating to the impugned order made in Na.Ka.No.7814/E.4/ 2021 dated
21.01.2022 passed by the third respondent and quash the same.

For Petitioner : Mr.A.Meenakshi Sundaram
Senior Counsel
for Mr.Antony Arulraj

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.V.Nirmal Kumar
Government Advocate
for R.1 to R.4

Mr.P.Ganapathi Subramanian for R.5

Mr.S.S.Rajesh for R.6



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ORDER

Heard the learned Senior Counsel appearing for the petitioner, the learned Additional Advocate General assisted by the learned Government Advocate for R.1 to R.4, the learned counsel appearing for the fifth respondent and the learned counsel appearing for the sixth respondent.

2. 233rd Guru Sree la Sree Thiruchitrambala Desiga Ganaprakasa Paramachariya Swamigal executed saled deed dated 21.10.2021 in favour of the petitioner. The document was presented for registration before the fourth respondent (Document No.370 of 2021). The stand of the respondents 5 and 6 is that execution of such a lease deed is in contravention of the scheme governing the administration of the Aadheenam as well as the provisions of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959. The complaint was lodged in this regard by the fifth respondent before the Commissioner, HR&CE Department, Chennai on 28.10.2021. The Commissioner forwarded the same to the Inspector General of Registration vide communication dated 29.10.2021 for taking further action. According to the Commissioner,



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execution of the lease deed was in violation of 34(1) of the Tamil Nadu HR&CE Act, 1959. The Commissioner also drew the attention of the Inspector General of Registration to Clause 20 of the scheme governing administration of the Aadheenam. The Commissioner of HR&CE Department wanted the Inspector General of Registration to cancel the said deed.

3. In the meanwhile, the fifth respondent committee lodged an independent complaint before the third respondent on 02.11.2021. After holding enquiry, the impugned order came to be passed characterising the lease deed as an invalid document. Challenging the same, the present writ petition came to be filed.

4. The learned Senior Counsel appearing for the petitioner pointed out that during the relevant time Section 77-A of the Registration Act, 1908 was not in the statute book. In any event, for the alleged breach of Section 34 of the Tamil Nadu HR&CE Act, 1959, the authority under the Registration Act could not have taken any action.



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5. It is true that Section 22-A of the Registration Act, 1908 mandates the registering officer to refuse registration of documents pertaining to an endowed property to which the Tamil Nadu HR&CE Act, 1959 is applicable. But then Section 22-A is meant to be invoked only at the threshold stage. The said provision does not authorise any authority under the Registration Act to cancel a registered document. It is for the respondents 5 and 6 to avail such remedy that may be open to them in law. The impugned order is lacking in jurisdiction. It is set aside.

6. Granting such liberty to the respondents 5 and 6 to workout their remedy in the manner known to law, this writ petition is allowed. I make it clear that the outcome of the writ petition will not have any bearing of the innate validity or otherwise in the impugned transaction. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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