



W.P. (MD) No. 4042 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 4042 of 2023

and

W.M.P. (MD) No. 3903 of 2023

L.Chandrasekaran

... Petitioner

-VS-

- 1.The State Represented by
Its Secretary to the Government,
Commercial Taxes and Registration Department,
Palayamkottai Registration District Tirunelveli,
Fort St. George, Chennai – 600 009.
- 2.The District Registrar (Admn.),
Registration Department,
Tuticorin District, Tuticorin.
- 3.The Sub Registrar,
Office of the Registrar,
Registration Department, Ettayapuram,
Tuticorin District.
- 4.The Executive Officer,
Aulmigu Poovananadhaswamy Thirukoil,
Koilpatti,
Tuticorin District - 628 501.

... Respondents



W.P. (MD) No. 4042 of 2023

PRAYER: Writ Petitions filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the respondent No.4 herein dated 17.05.2017 and the consequential refusal check slip issued by the respondent No.3 in RFL/Ettayapuram/5/2023 dated 07.02.2023 to quash the same and to consequently direct the respondent No.3 herein to register the documents presented for registration in respect of survey Nos.80, 84/1, 84/2 and 85/1 as and when presented for registration by the petitioner.

For Petitioner : Mr. D.Sivaraman

For Respondents : Mr. M.Ramesh (R1 to R3)
Government Advocate

Mr. C.Guhaseelarupan (R4)

ORDER

Heard Mr. D.Sivaraman, Learned Counsel for the Petitioner, Mr. M.Ramesh, Learned Government Advocate appearing for the First to Third Respondents and Mr. C.Guhaseelarupan, Learned Counsel appearing for the Fourth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.



W.P. (MD) No. 4042 of 2023

2. The Petitioner claims that his father viz., Lakshmana Reddiar had acquired rights in respect of the property of an extent of 2 acres comprised in RS. No. 84 (New no.84/1P) in K.Kumarettayapuram Village, Vilathikulam Taluk, Tuticorin District and when he died on 25.03.2013, his legal heirs (including the Petitioner) succeeded to his estate. According to him, registration of transaction of transfer of the said land has been prohibited in furtherance to the proceedings dated 17.05.2017 sent by the Fourth Respondent to the Third Respondent informing about its ownership of that property. Since the Third Respondent by refusal slip in RFL/Ettayapuram/52023 dated 07.02.2023 refused to register a document executed by the Petitioner in respect of the said property, this Writ Petition has been filed.

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 the decision in ***Sudha Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department,***



W.P. (MD) No. 4042 of 2023

Chennai [(2017) 3 CTC 135]. If the said procedure has not been followed, it is for the aggrieved party to work out his remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to grant the relief as sought by the Petitioner in this case. It is needless to clarify that no view has been expressed on the merits of the controversy involved in the matter.

4. In fine, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

28.02.2023

NCS : Yes/No
Index : Yes/No
Sm

Note: (i) Issue order copy by 10.05.2023.

(ii) Registry is directed to return the original copy of the impugned orders under written acknowledgment after retaining a copy of the same for record.

To

1. The Secretary to the Government,

4/6



W.P. (MD) No. 4042 of 2023

Commercial Taxes and Registration Department,
Palayamkottai Registration District Tirunelveli,
Fort St. George, Chennai – 600 009.

- 2.The District Registrar (Admn.),
Registration Department,
Tuticorin District, Tuticorin.
- 3.The Sub Registrar, Office of the Registrar,
Registration Department, Ettayapuram,
Tuticorin District.



WEB COPY



W.P. (MD) No. 4042 of 2023

P.D.AUDIKESAVALU,J.

Sm

W.P. (MD) No. 4042 of 2023

28.02.2023