

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5210 of 2020

C.Chellaiah

.. Petitioner

Vs.

1.The District Registrar
(Registration Department),
District Registrar Office,
Palani, Dindigul District.

2.The Sub Registrar
(Registration Department),
Sub Registrar Office,
District Registrar Office,
Kujiliyamparai,
Dindigul District.

3.Alagumuthu

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to return the Trust Deed dated 17.02.2020 registered as Doc.No.4/2020 with the office of the second respondent to the petitioner by considering the representation of the petitioner dated 02.03.2020.

For Petitioner : Mr.M.Gnanagurunathan

For RR1 & 2 : Mr.C.Satheesh
Government Advocate

ORDER

Aggrieved by the fact that the second respondent, who has registered the Trust Deed dated 17.02.2020 in Document No.4/2020, has not handed over the document to the petitioner, the petitioner has approached this Court seeking the issue of Mandamus to the second respondent to release the said Trust Deed.

2. It is the contention of the petitioner that the Trust Deed had been executed to effectively administer and manage the temple viz., Arulmighu Vinayagar, Arulmighu Murugan, Arulmighu Kaliyamman, Arulmighu Mariamman, Arulmighu Manthai Muniyandi Thirukovil, which was constructed with the help and contribution of the villagers. It is the case of the petitioner that the Trust Deed was submitted for registration before the second respondent on 17.02.2020. After registration, though the document was taken on file and registered, the second respondent has refused to hand over the same. Several

representations have yield no results. Consequently, the petitioner has been constrained to file the present writ petition.

3. The learned Government Advocate appearing for respondents 1 and 2 fairly submits that there has been no objection from any third party with reference to the Trust Deed and there is no reason given as to why the second respondent is retaining the Trust Deed.

4. Section 61(2) of the Registration Act, 1908 casts a duty upon the Registering Authority to return the document, once the registration is complete, to the person who has presented the same for registration. Therefore, this Writ Petition is allowed. The second respondent is directed to hand over the Trust Deed dated 17.02.2020 registered as Document No.4/2020 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

17.03.2023

NCC : Yes/No
Index : Yes/No
abr

P.T.ASHA, J.

abr

To

- 1.The District Registrar
(Registration Department),
District Registrar Office,
Palani, Dindigul District.
- 2.The Sub Registrar
(Registration Department),
Sub Registrar Office,
District Registrar Office,
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