



WP(MD)No.8642 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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V.T.Krishnan

.. Petitioner

v.

1.The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

2.Arulmigu Sankaranarayanasamy Temple,
Rep. by
The Assistant Commissioner / Executive Officer,
Sankarankovil,
Tenkasi District.

3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

.. Respondents

[R.3 impleaded vide order dated 02.08.2023]

Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorarified Mandamus calling for the
records of the impugned refusal check slip in Refusal



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No.RFL/Sankarankovil/8/2023 dated 23.03.2023 issued by the first respondent and quash the same and consequently, directing the first respondent to register the document submitted by the petitioner with regard to Plot No.104, Door No.847, in NGO "C" Colony in Natham Survey No. 438/1A1A, Re-Survey No.619, New Re-Survey No.754/2, situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District, within a stipulated time limit.

For Petitioner : Mr.RJ.Karthick

For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader
for R.1

Mr.VR.Shanmuganathan
for R.2

Mr.S.P.Maharajan,
Special Government Pleader
for R.3

ORDER

This writ petition is filed as against the refusal check slip issued by the first respondent with regard to the registration of the document for Plot No.104, Door No.847, NGO "C" Colony in Natham Survey No.438/1A1A,



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Re-Survey No.619, New Re-Survey No.754/2, situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District.

2.The first respondent has refused to register the document based on the objections received from the second respondent Temple u/s.22A of the Registration Act. The second respondent has filed a detailed counter affidavit that the land belongs to the Temple and it is a service inam land, however, the poojaries have sold the property in the year 1972 in favour of a Housing Society without obtaining any permission. The issue went upto the Commissioner of Hindu Religious and Charitable Endowments Department and the then Commissioner, vide his proceedings in Pro.D.Dis.No.107163/81 N3, dated 22.02.1982, permitted the second respondent Temple to enter into a compromise with certain conditions as contemplated u/s.43 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Accordingly, a release deed was also executed on 03.04.1982 in favour of the Housing Society. The said society formed housing layouts and divided the lands into plots. The petitioner has purchased one of the plots.



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3.Learned Counsel for the second respondent submitted that though the Commissioner had permitted the Deputy Commissioner of the Temple to compromise the suit, the conditions imposed for such permission was to the effect that the Executive Officer of the Temple shall take steps to apply for sanction u/s.34 of the Hindu Religious and Charitable Endowments Act and obtain the same. But, no such sanction was either applied or obtained. Unless sanction is accorded u/s.34 of the Act, the alienations are *void abinitio*. Therefore, a clarification has been sought for from the Commissioner of Hindu Religious and Charitable Endowments Department and the same is pending consideration.

4.In view of this stand taken by the second respondent Temple, the learned Counsel for the petitioner confined his relief in this writ petition to implead the Commissioner of Hindu Religious and Charitable Endowments Department and to take a decision on the clarification sought for by the second respondent Temple in an expeditious manner.



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5. Accordingly, the Commissioner of Hindu Religious and Charitable Endowments Department, Chennai, was impleaded as a respondent vide order dated 02.08.2023 made in WMP(MD)No.15707 of 2023 and Mr.S.P.Maharajan, learned Special Government Pleader is to take notice on behalf of the newly impleaded respondent.

6. Considering the rival submissions made, this writ petition is disposed of with a direction to the third respondent / Commissioner to take a decision on the clarification sought for by the second respondent Temple in Na.Ka.No.1250/73/A1 dated 13.06.2023, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

02.08.2023

To

1. The Sub Registrar,
Sub Registrar Office,
Sankarankovil, Tenkasi District.



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B.PUGALENDHI, J.

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2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

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