



W.P. (MD) No. 11694 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 11694 of 2022

and

W.M.P(MD). No. 8275 of 2022

1.Chinnathurai

2.Kuppathal

... Petitioners

-VS-

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul.
4. The Inspector General of Registration,
Door No. 100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai 600 028.
5. The Deputy Inspector General of Registration,
Madurai.



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6. The District Registrar,
Palani, Dindigul District.

7. The Sub Registrar,
Kallimanthayam, Oddanchatram,
Dindigul District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioners representation dated 12.03.2022 and to delete the subject properties in Survey No. 183/1 measuring 2 Acres 75 Cents and in Survey No. 183/2 measuring 3 Acres 17 Cents totalling 5 Acres 92 Cents in Kuthiluppai Village, Oddanchatram Taluk, Dindigul District, from the list of properties belonging to Arulmigu Perumal Thirukkivil, Kuthiluppai and consequentially to remove the ban for registration of documents in respect of the above properties.

For Petitioners : Mr. J.Barathan

For Respondents : Mr. P.Subbaraj,
Special Government Pleader
for R1 to R3
Mr. D.Gandhiraj,
Special Government Pleader
for R4 to R7

ORDER

Heard Mr. J.Barathan, Learned Counsel for the Petitioners, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First to Third Respondents and Mr. D.Gandhiraj, Learned Special Government Pleader appearing for the Fourth to Seventh Respondents and, perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner claims to be the owner of the land in Survey No. 183/1 measuring 2 Acres 75 Cents and in Survey No. 183/2 measuring 3 Acres 17 Cents totalling 5 Acres 92 Cents in Kuthiluppai Village, Oddanchatram Taluk, Dindigul District, having purchased the same by Sale-Deed dated 11.08.1922 registered as Document No.1369/1922 in the office of Sub Registrar, Vedachandur. According to him, registration of transactions of transfer of the said land has been prohibited in furtherance to letter No. Na. Ka. No. 3089/2010/A3 dated 22.12.2014 sent by the Assistant Commissioner, Hindu Religious and Charitable Endorsement Department, Dindigul to the District Registrar, Dindigul, mentioning in the enclosure thereto that the property in Survey Nos. 183/1 and 183/2 in Kuthiluppai Village of an extent of 5 Acres 92 Cents belongs to a temple. Since the Third Respondent 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***



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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 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.

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

16.02.2023

PKN

NCC : Yes/No

Index: Yes/No

Internet: Yes/No

Note: Issue order copy by 06.03.2023.



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P.D. AUDIKESAVALU, J.

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