



W.P. (MD) No. 14580 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 14580 of 2021

and

W.M.P. (MD) Nos. 11509 and 11511 of 2021

S.Ganesan

... Petitioner

-VS-

1.The Commissioner,
Hindu Religions & Charitable Endowment Department,
Chennai – 600 034.

2.The Assistant Commissioner,
Hindu Religions & Charitable Endowment Department,
Dindigul District.

3.The Inspector General of Registration,
Santhome High Road,
Chennai.

4.The Sub Registrar,
Office of Sub Registrar,
Natham Taluk, Dindigul District.

... Respondents

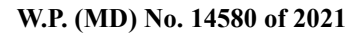


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PRAYER: Writ Petitions filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned circular dated Nil issued by the First Respondent and impugned proceedings of Second Respondent in Na. Ka. No. 3576/2020/A3 dated 18.03.2021 insofar as R.S. Nos. 529, 530, 534 and 535 of Nadumandalam Village, Natham Taluk, Dindigul District, are concerned and the consequent impugned Refusal Check Slip of the Fourth Respondent in Ref. Refusal Number: RFL/Natham/6/2021 dated 20.07.2021, quash the same as illegal and consequently direct the Third and Fourth Respondents herein to register the properties in Survey No. 530 in Nadumandalam Village, Natham Taluk, Dindigul District.

For Petitioner : Mr. K.Muthu Ganesa Pandian
For Respondents : Mr. T.Villavankothai
Additional Government Pleader



Heard Mr. K.Muthu Ganesa Pandian, Learned Counsel for the
 ers and Mr. T.Villavankothai Learned Special Government Pleader
 ng for the Respondents and perused the materials placed on record,
 om the pleadings of the parties.

Sl.No	Survey No	Extent Acre/Cent	Patta No.
1.	RS No. 529/2B2A	0.57	1987
2.	RS No. 529/5A	4.25	1987
3.	RS No. 530	15.88	1987
4.	RS No. 535/2A11	0.02	2480
5.	RS No. 535/2A1A	7.43	2480
6.	RS No. 534/2	0.60	3846

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Charitable Endorsement Department, Dindigul to the Sub-Registrar, Natham, mentioning in the enclosure thereto that the property in Survey Nos. 529/2B2A, 529/5A, 530, 535/2A11, 535/2A1A and 534/2 in Nadumandalam Village belongs to a temple. Since the Fourth Respondent by refusal check slip dated 20.07.2021 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, 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.



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4. In fine, the Writ Petition is dismissed with the aforesaid observations.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

25.01.2023

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sj/pkn

NCC : Yes/No

Index : Yes/No

Note: (i) Issue order copy by 30.01.2023.

(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.



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- To
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P.D.AUDIKESAVALU,J.

sj

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