



W.P. (MD) No. 14559 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.AUDIKEVALU

W.P. (MD) No. 14559 of 2021

and

W.M.P. (MD) Nos. 11498 and 11502 of 2021

N.Thamilarasan

... 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. 529/5B 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/7/2021 dated 02.08.2021, quash the same as illegal and consequently direct the Third and Fourth Respondents herein to register the properties in Survey No. 529/5B in Nadumandalam Village, Natham Taluk, Dindigul District.

For Petitioner : Mr. K.Muthu Ganesa Pandian

For Respondents : Mr. P.Subbaraj

ORDER

Heard Mr. K.Muthu Ganesa Pandian, Learned Counsel for the Petitioners and Mr. P.Subbaraj, Learned Special Government Pleader appearing for the 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 of an extent of 2 acres in Survey No. 529/5B in Nadumandalam Village, Natham Taluk, Dindigul District, having purchased the same by Sale-Deed dated 25.11.2019 registered as Document No.3012/2019 in the office of Sub Registrar, Natham. According to him, registration of transactions of transfer of the said land has been prohibited in furtherance to letter No. Na. Ka. No. 3576/2020/A3 dated 18.03.2021 sent by the Assistant Commissioner, Hindu Religious and Charitable Endorsement Department, Dindigul to the Sub-Registrar, Natham, mentioning in the enclosure thereto that the property in Survey No. 529 in Nadumandalam Village of an extent of 35 acres belongs to a temple. Since the Fourth Respondent by refusal check slip dated 02.08.2021 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



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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.

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

NCS : 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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P.D.AUDIKESAVALU,J.

sj

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