



W.P. (MD) No. 18760 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 18760 of 2020

and

W.M.P. (MD) Nos. 15683 to 15685 of 2020

D.M.Vengateshwaran

... Petitioner

-VS-

1.The Sub Registrar,
Office of the Sub Registrar,
Madurai North Registration Office,
Madurai.

2.The Joint Commissioner/Executive Officer,
Arulmigu Sri Meenakshi Sundareshwarar Temple,
Madurai.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the constitution of India,
to issue a Writ of Certiorarified Mandamus, calling for the entire records in
connection with the impugned proceedings of the Second Respondent vide



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Na.Ka.No. 5580/2007/E1 dated 18.11.2020 addressed to the Petitioner and the impugned proceeding of the Second Respondent dated 30.08.2014, addressed to the First Respondent and quash the same and consequently, direct the First Respondent to accept the document for registration.

For Petitioner : Mr. Niranjan S.Kumar
For Respondents : Mr. M.Ramesh
Government Advocate for R1
Mr. VR.Shanmuganathan for R2

Heard Mr. Niranjan S.Kumar, Learned Counsel for the Petitioners, Mr. M.Ramesh, Learned Government Advocate appearing for the First Respondent and Mr. VR.Shanmuganathan, Learned Counsel appearing for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the owner of the land of an extent of 3 acres 38 cents in Survey No. 100/2 in Vilangudi Village, Madurai District, having purchased the same by Sale-Deed dated 05.07.1996 registered as Document No.3012/2019 in the office of Sub Registrar, Madurai North.

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According to him, registration of transactions of transfer of the said land has been prohibited in furtherance to letter in Na. Ka. No. 3576/ 2020/A3 dated 18.11.2020 sent by the Joint Commissioner, Hindu Religious and Charitable Endorsement Department, Madurai, mentioning that the property in Survey No. 100/2 in Vilangudi Village of an extent of 3 acres 38 cents belongs to a temple. Since the Second Respondent has 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



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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.

03.02.2023

PKN

NCS : Yes/No

Index : Yes/No

Note: (i) Issue order copy by 06.03.2023.

(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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2. The Joint Commissioner/Executive Officer,
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P.D.AUDIKESAVALU,J.

PKN

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