



W.P.(MD)No.250 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.250 of 2021

and

W.M.P.(MD).No.198 of 2021

K.Ramasubramanian

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
No.57, Railway Feeder Road,
Near New Bus Stand,
Tenkasi-627 811.

2.The Sub Registrar,
Sub Registrar Office,
No.29A, East Mosque Street,
NH744, Quaide Millath Nagar,
Puliangudi-627 855.

3.M.Gandhimathi

4.Pitchaiah

5.Natarajan

6.Muneeswaran

7.Mariappan

8.R.N.Anand



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9.G.Arunachalam

10.Rajagopalan

11.Sankar

12.C.Balakrishnan

13.Sundaralakshmi

14.Backiyathai

15.Kathiresan

16.M.Subramanian

17.V.Udaiyar Konar

18.U.Lakshmi

...Respondents

(Respondent Nos.9 to 18 are impleaded vide Order of this Court 21.06.2021 in W.M.P.(MD).No.6057 of 2021 in W.P.(MD).No.250 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondent Nos.1 and 2 from registering any document in respect of S.Nos.1000/1, 1000/2, 1000/4, 1001/1, 1064, 1065/7, 1065/10, 1019, 1020/2, 1020/6, 999/3 and 1065/11 situated at Chinthamani Village, Kadayanallur Taluk, Tenkasi District, belonging to Arulmigu Shri Raja Rajeshwari Temple and Bajanai Madam at Chinthamani Village.



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For Petitioner : Mr.H.Lakshmi Shankar
For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Special Government Pleader
For R-3 : Mr.M.Jothibas
For R-4 to R-7 : Mr.Saravanakumar
For R-8 : Mr.V.Sasikumar
For R-10 : Mr.H.Arumugam

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the first and second respondents from registering any document pertaining to the subject properties.

2. Heard the learned counsel on either side.

3. The petitioner claims that the properties belonged to the Temple and the Bajanai Madam and therefore, the private respondents are not entitled to deal with the subject properties.

4. The learned counsel appearing on behalf of the private respondents submitted that they have an independent right over the subject



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properties and they cannot be restrained from dealing with the subject properties.

5. In the considered view of this Court, the issue involved in the present Writ Petition can be dealt with in line with the Judgment of the Division Bench of this Court in the case of ***Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, H.R & C.E. Department, Chennai-34*** reported in ***2017 (3) CTC 135*** and the relevant portion in the Judgment is extracted hereunder:

“25. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:

(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.



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(ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.

iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.



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(v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered.

(vi) Consequently the connected miscellaneous petitions are closed. No costs.”

6. In view of the above, if any document is presented for registration before the second respondent with respect to the subject properties, the second respondent shall follow the above directions given by the Division Bench and take a decision with regard to the registration of the documents.



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7. This Writ Petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

10.10.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

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