



W.P(MD)No.29134 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.29134 of 2022

R.Kavitha

... Petitioner

Vs.

1.The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Office of the Sub Registrar,
Velipattanam,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to register the document in respect of the land in Survey No.376/ Sub division 138A1C measuring 3 cents in Pattanamkathan Village, Ramnad District as and when the documents presented for registration by the petitioner.

For Petitioner : Mr.G.Chandrasekar



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For R-1 & R-2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R-3 : Mr.R.Ragavendran
Government Advocate

ORDER

Heard the learned Counsel on either side.

2. The petitioner claims title over the petition mentioned land. She wants to deal with the same. However, on account of objection raised by the HR&CE Department, the second respondent is declining to register the document.

3. The Hon'ble Division Bench in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar and Another Vs. The Special Commissioner and Commissioner, HR&CE Department, Chennai-34 and Others)** had laid down the procedure to be followed by the Registering Authority, whenever an objection raised by the Temple relating to registration of a document. Paragraph No.26 of the said decision is particularly relevant. It reads as follows:

"26. 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



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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.

(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.

(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



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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."

4. The second respondent is directed to adhere to the aforesaid procedure while dealing with the objection raised by the HR&CE Department or any Temple. This writ petition stands disposed of. There shall be no order as to costs.

01.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

1.The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Office of the Sub Registrar,
Velipattanam,
Ramanathapuram,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

Btr

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Paramakudi,
Ramanathapuram District.

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