



W.P. No. 4837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4837 of 2024

A. Jothimani

... Petitioner

-VS-

1. The Commissioner,
HR & CE, Department,
Nungambakkam,
Chennai 34.
2. The Joint Commissioner,
HR & CE Department,
Commercial Tax Complex,
Dr. Balasundaram Road,
Coimbatore 641 018.
3. The Zonal Deputy Commissioner,
HR & CE Department,
No.12, 1st Floor, New Commercial Complex,
Cotton Mill Compound,
Palladam Road,
Tiruppur 641 604.
4. The Fit Person / The Executive Officer,
Arulmigu Vanchiyammal Thirukovil,
Mulanoor 638 106,
Tiruppur District.
5. The Sub Registrar,
Mulanoor,
Tiruppur District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India,

1950, praying to issue a Writ of Mandamus, directing the Respondents 2 to 4 to consider the Petitioner's representation dated 02.05.2023 to rectify the error committed by the 4th respondent and withdraw all the communication addressed by the 4th respondent to the 5th respondent raising objection for registration in respect Petitioner property measuring an extent of 1.77 Acres in S.F. No.700 Kannivadi Village, Dharapuram Taluk, Tiruppur District by considering the Petitioner's representation dated 02.05.2023.

For Petitioner : Mr. R.Prabakar

For Respondents : Mr. N.R.R. Arun Natarajan (for R1 to R4)
Special Government Pleader

Mr. U.Baranidaran,
Additional Government Pleader (for R5)

ORDER

Heard Mr. R.Prabakar, Learned Counsel for the Petitioner, Mr. N.R.R. Arun Natarajan, Learned Special Government Pleader, who takes notice for the First to Fourth Respondents and Mr. U.Baranidaran, Learned Additional Government Pleader, who takes notice for the Fifth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner claims that the property measuring an extent of 1.77 Acres in S.F. No.700 Kannivadi Village, Dharapuram Taluk, Tiruppur District , which was purchased by her by sale-deed dated 21.02.2019 registered as Document No. 363 of 2019 in the office of the Sub-Registrar, Mulanoor, Tiruppur District belongs to her, but the Temple of the Fourth Respondent by letter dated 15.11.2017 sent to the Fifth Respondent has asserted ownership over that property resulting in prohibiting the registration of transaction of transfer of the said land. Though the Petitioner had made a representation dated 02.05.2023 to the Fifth Respondent to rectify the erroneous claim made by the Fourth Respondent, it did not evoke any response, which has necessitated the filing of this Writ Petition.

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



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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.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

01.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.03.2024.

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To

1. The Commissioner,
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Chennai 34.
2. The Joint Commissioner,
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4. The Fit Person / The Executive Officer,
Arulmigu Vanchiyammal Thirukovil,
Mulanoor 638 106,
Tiruppur District.

5. The Sub Registrar,
Mulanoor,
Tiruppur District.



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P.D. AUDIKESAVALU, J.

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