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W.P. No.11287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11287 of 2024

R.Sathishkumar

... Petitioner

Vs

1.The District Registrar
Coimbatore District
Coimbatore

2.The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Coimbatore District

3.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Coimbatore
Coimbatore District

4.The Sub-Registrar
Thondamuthur Sub-Registrar
Thondamuthur
Coimbatore District

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus calling for the records of the 4th respondent herein pertaining to his proceeding in RFL/Thondamuthur/28/2024 dated 05.04.2024 and quash the same and further direct the 4th respondent herein to register the settlement deed and return the same to the petitioner.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.B.Vijay,
Addl. Govt. Pleader for R1 & R4

Mr.K.Karthikeyan,
Govt. Advocate (HR&CE) for R2&R3

ORDER

Challenge has been made to the refusal slip issued by the respondent in refusing to register the document.

2. It is the case of the writ petitioner that when he presented a settlement deed on 05.04.2024, the same has been refused to be registered on the ground that the property is belonging to the Hindu Religious and Charitable Endowments Department, citing Section 22-A of the Registration Act.



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According to the writ petitioner, his vendor has purchased the property in the year 1994 vide Document No.653/1994 and his predecessor in title has purchased the property in the year 1969. Therefore, according to the writ petitioner, the property is a private property and not belonged to the temple.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the property is endowed to the temple under the Will registered vide Document No.83/1942 and all the records are vested in the name of the temple and a Fit Person was also appointed for the said temple. In such view of the matter, as the Fit Person's appointment is not disputed, when the property is actually in the control of the temple, the impugned order cannot be found fault with. There is a clear bar in the statute under Section 22-A of the Registration Act to register the document. It is for the petitioner to work out his remedy before the civil court by filing a suit to establish his title. In the event, if the petitioner succeeds in the suit, then he can deal with the property, as per his desire. In such view of the matter, I do not find any merit in the writ petition and the same deserves to be dismissed.



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4. Accordingly, the writ petition is dismissed with the above observations.

No costs.

09.07.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The District Registrar

Coimbatore District

Coimbatore

2.The Joint Commissioner

Hindu Religious and Charitable Endowment Department

Coimbatore District

3.The Assistant Commissioner

Hindu Religious and Charitable Endowment Department

Coimbatore

Coimbatore District

4.The Sub-Registrar

Thondamuthur Sub-Registrar

Thondamuthur

Coimbatore District

5.The Government Pleader

High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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