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WP.No.18751 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.18751 of 2024 & WMP.No.20560 of 2024

Lakshumanan

.. Petitioner

Versus

The Sub-Registrar,
Harur, Dharmapuri District.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Refusal Check Slip in refusal Refusal No. RFL / Harur / 90 / 2024 dated 11.06.2024 and to quash the same as illegal incompetent and ultra vires and consequently direct the Respondent to register the gift deed dated 11.06.2024.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.M.Shajahan
Special Government Pleader

ORDER

With the consent of both sides, these Writ Petitions are taken up for final disposal at the admission stage itself.



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2. This Writ Petition is filed to quash the impugned Refusal Check Slip No. RFL / Harur / 90 / 2024 dated 11.06.2024 as illegal incompetent and ultra vires and consequently direct the Respondent to register the gift deed dated 11.06.2024.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

4. The contention of the petitioner is that the subject temple is not under the control of HR&CE Department and it is a small temple of the village and the villagers alone are taking decision with regard to the affairs of the temple. It is their further contention that certain lands have been gifted to the Government for construction of veterinary hospital and now as per the resolution of the villagers, an extent of 25 cents has been gifted in favour of the Block Development Officer for construction of community hall. When the document has been presented for registration, the same has been refused to be registered on the ground that the documents have not been produced.



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5. According to the learned Special Government pleader appearing for the respondent, the Sub Registrar has not refused to register the document, he only sought certain documents to prove the competency of the petitioner.

6. I have perused entire materials and the same indicate that, in fact, in the year 2014 itself, as per the village resolution, certain extent of land has been donated to the Government for construction of veterinary hospital. The said document has also been registered on 27.08.2014. Now the resolution passed by the villagers is also available in the typed set to convey subject property in favour of the Government for construction of community hall. Therefore, when the temple is not under the control of HR&CE and it is only a small temple run by the villagers and the villagers decided to gift certain land to the Government for construction of community hall, this Court is of the view that the Sub Registrar ought to have registered the document. Hence, the impugned refusal slip has to be quashed.

7. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the respondent dated 11.06.2024 is quashed and the respondent is directed to register the Gift Deed dated 11.06.2024 presented by the



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petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

The Sub-Registrar,
Harur, Dharmapuri District.



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N. SATHISH KUMAR, J.

vrc

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