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W.P.No.29335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29335 of 2024

E.Suresh

... Petitioner

VS.

1.The Sub-Registrar

Sub-Registrar Office, Ponneri,
NGO Nagar Extension, Ponneri,
Tiruvallur District – 601204.

2.The Executive Officer,

Arulmigu Harikrishnaperumal Thirukoil
Tamilnadu Hindu Religious & Endowment Department
Ponneri Taluk, Thiruvallur District.

3.S.B.Gandhi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register the document presented by the petitioner as per the petitioner's representation dated 01.06.2024.

For Petitioner : Mr.V.Chandrakanthan

For R1 : Mr.M.Shahjahan
Special Government Pleader

For R2 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR and CE)



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ORDER

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By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to register the document presented by him by considering his representation dated 01.06.2024.

3. It is the case of the petitioner that he purchased the property with an extent of 971 sq.ft., comprised in Old S.No.18/5, New S.No.18/5A1C situated in Plot No.7, Sakthi Murugan Nagar, Krishnapuram, No.58, Thadaperumbakkam – I Revenue Village, Ponneri Taluk, Thiruvallur District along with building from one U.Selvi and the document was presented for registration before the 1st respondent on 03.04.2024. The 1st respondent has not registered the document till date mainly on the ground that he received a letter from Executive Officer of Arulmigu Harikrishna Perumal Thirukoil, claiming right over the subject property.



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4. The learned counsel appearing for the petitioner by relying on the order passed by this Court in W.P.No.11056 of 2024, dated 26.04.2024 (*Subramani vs. The Sub-Registrar*) submits that merely because, the 1st respondent received some objection letter from 2nd respondent, he cannot keep the document pending without proceeding with registration process.

5. Mr.M.Shahjahan, learned Special Government Pleader takes notice for the 1st respondent and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR and CE) takes notice for the 2nd respondent.

6. The learned Special Government Pleader (HR and CE) appearing for the 2nd respondent by relying on the order passed by this Court in W.P.No.54 of 2024 submitted that earlier the 2nd respondent herein objected to registration of the properties situated in Survey Nos.77/2A, 77/6D, 78/1A, 78/2A, 78/3B, 78/4, 78/6A, 78/8A, 83/8B2, 83/8C2, 85/1B2, 87/11B, 87/7B, 87/9, 88/2, 93/2, 94/1, 94/2, 94/5, Thadaperumbakkam Village, Ponneri Taluk, Tiruvallur District and the said objection was challenged before this Court. This Court directed the Registering Authority to conduct an enquiry as per the decision of the Division Bench of this



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Court in ***Sudha Ravi Kumar vs. Special Commissioner and
Commissioner, Hindu Religious and Charitable Endowments Department***

reported in ***2017 (3) CTC 135***. which reads as follows:-

“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.

(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 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.”

7. It is seen from the averment made in the affidavit filed in support of the writ petition and the documents filed in the typed set of papers, the petitioner submitted a document for registration before the 1st respondent and the same was objected to by the 2nd respondent by claiming right over the property covered by the document.



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8. In such circumstances, the 1st respondent is expected to conduct an enquiry as per the direction issued by the Division Bench of this Court in ***Sudha Ravikumar vs. The Special Commissioner*** reported in **2017 (3) CTC 145**.

9. In view of the same, the 1st respondent is directed to conduct an enquiry by giving opportunity to the petitioner as well as 2nd respondent and pass final orders in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

10. With the above direction, the Writ Petition stands disposed of. No costs.

14.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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NGO Nagar Extension, Ponneri,
Tiruvallur District – 601204.

2. The Executive Officer,

Arulmigu Harikrishnaperumal Thirukoil
Tamilnadu Hindu Religious & Endowment Department
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S.SOUNTHAR, J.

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