



W.P.No.30465 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30465 of 2024
and WMP.No.33103 of 2024

M.Chellapandian

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.

2.The Deputy Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore District.

3. The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Arulmigu Mariamman and Vinayagar Temple,
Soolukkal - 642 110,
Kinathukadavu,
Coimbatore.

4.The Sub Registrar Negamam,
Office of the Sub Registrar Negamam,
Negamam Town, Pollachi Taluk,
Coimbatore District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the entire records relating to the proceedings of the 4th respondent vide Na.Ka.No.112/2024 dated 16.05.2024 and quash the same, consequently direct the 4th respondent to register the document presented by the petitioner, in accordance with the law and the available evidence.

For Petitioner : Mr.R.Shanmugam
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR&CE) for R1 to R3
Mr.B.Vijay
Additional Government Pleader
for R4

ORDER

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. Aggrieved by the order passed by the 4th respondent directing the petitioner to get No Objection Certificate from the 3rd respondent temple for the purpose of registering the sale deed presented for registration, the petitioner has come before this Court.



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3. According to the petitioner, he is in possession and enjoyment of the property situated in Survey No.82/2B2, to an extent of 54 cents, situated at Kullichettipalayam, Pollachi Taluk, Kovilpalayam Post. The petitioner purchased the property on 15.09.2016 from one P.Natarajan for valuable consideration. Now the petitioner decided to sell the property and presented the sale deed before the 4th respondent. The 4th respondent kept the document pending as the 3rd respondent issued an objection letter claiming right over the subject property. Subsequently, the impugned order was passed by 4th respondent directing the petitioner to get No Objection Certificate from the 3rd respondent. Aggrieved by the same, the petitioner has come before this Court.

4. The Division Bench of this Court in ***Sudha Ravi Kumar Vs. Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department*** reported in ***2017 (3) CTC 135*** issued certain guidelines to the registering authorities as to how the objections from the religious institutions shall be dealt with. The relevant observation of the



Division Bench reads as follows:

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“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.



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(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."

5. In view of the law laid down by the Division Bench of this Court, registering authorities are expected to conduct summary enquiry on the objection raised by the religious institution. A reading of the impugned order would suggest no such enquiry has been conducted and straight away



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the petitioner was directed to get No Objection Certificate from the 3rd respondent. Hence, it is clear that the impugned order was passed without following the guidelines issued by the Division Bench of this Court. Accordingly, the same is set aside and the writ petition stands allowed and the matter is remitted back to the file of 4th respondent with a direction to conduct enquiry by giving reasonable opportunity to the petitioner and the 3rd respondent temple and pass final orders on its own merits as per the directions of the Division Bench in the above mentioned order.

6. Accordingly, this writ petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

17.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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