



W.P. No. 54 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

**W.P. No. 54 of 2024
and
W.M.P. Nos. 42 and 43 of 2024**

1. P.Rajasekar

2. N.Suresh Babu

3. A.Raghupathy

4. E.R.Jaishankar

5. V.Kumar

... Petitioners

-VS-

1. The Government of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The Principal Secretary and Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

3. The Commissioner,
Hindu Religious & Endowment Department,
Nungambakkam,
Chennai - 600 034.



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4. The Executive Officer,
Arulmigu Harikrishnapurumal Thirukoil,
Tamilnadu Hindu Religious & Endowment Department,
Ponneri Taluk,
Thiruvallur District.

5. The Sub-Registrar,
Ponneri,
Ponneri Taluk,
Thiruvallur District.

6. S.B.Gandhi ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records dated 02.09.2023 on the file of the Fourth Respondent and quash the same.

For Petitioners : Mr. V.Chandrakanthan

For Respondents : Mr. G.Nanmaran,
Special Government Pleader
(for R1, R2 & R5)

Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(for R3 & R4)

ORDER

Heard Mr. V.Chandrakanthan, Learned Counsel for the Petitioners, Mr. G.Nanmaran, Learned Special Government Pleader appearing for the First, Second and Fifth Respondents and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Sixth Respondent, notice to him is dispensed with.

3. The Petitioners claim that the respective properties 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 belongs to them, but the Temple of the Fourth Respondent by letter dated 02.09.2023 sent to the Fifth Respondent has asserted ownership over those properties resulting in prohibiting the registration of transaction of transfer of the said lands, which is assailed in this Writ Petition.

4. 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 Petitioners 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. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 22.03.2024.

vjt

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai - 600 009.
2. The Principal Secretary and Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
3. The Commissioner,
Hindu Religious & Endowment Department,
Nungambakkam,
Chennai - 600 034.



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4. The Executive Officer,
Arulmigu Harikrishnaperumal Thirukoil,
Tamilnadu Hindu Religious & Endowment Department,
Ponneri Taluk,
Thiruvallur District.

5. The Sub-Registrar,
Ponneri,
Ponneri Taluk,
Thiruvallur District.



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P.D. AUDIKESAVALU, J.

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