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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7395 of 2024

K.R.Sangeetha ... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
No.119, Uthamar Ghandhi Salai, Nungampakam,
Chennai.

2.The Joint Commissioner,
Hindu Religious Charitable Endowments Board,
Madurai.

3.The Deputy Commissioner / Executive Officer,
Arulmigu Subramania Swamythirukovil,
Thiruparankundram, Madurai.

4.The Thasildar,
Thiruparankundram Taluk,
Madurai.

5.The District Registrar,
Registration Department,
Madurai.

6.The Sub Registrar,
Thiruparankundram,
Madurai. ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 6th respondent to act accordingly in registering document pertaining to the land belongs to the petitioner in Survey Number 196/14A for the total extent of 567 sq.ft. with consists of house building situated at Thirukulam 2nd lane, Big Car Street, Ward No. 97, Thiruparankundram, Madurai, and registered the pending document in bearing No.TP/167859059/2023 dated 15.12.2023 within time frame as may be fixed by this Court.

For Petitioner : Mr.S.P.Venkatesan

For Respondents : Mrs.D.Farjana Ghoushia,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner wants to deal with the petition mentioned property. The stand of the respondents is that it belonged to a temple. If according to the respondents, the land in question is an endowed property, then the procedure laid down by the Hon'ble Division Bench in the decision reported in ***2017 (3) CTC 135 (Sudha Ravi Kumar v. The Special Commissioner & Commissioner, HR & CE Department)*** will have to followed. The Hon'ble Division Bench in the aforesaid case had laid down following directions:

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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.

(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

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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."

3.The petitioner is permitted to re-present the document. The sixth respondent will follow the directions laid down above and dispose of the matter.

4.The writ petition is disposed of accordingly. No costs.

05.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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