



W.P.(MD)Nos.9326 and 9328 of 2021

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Reserved on : 27.06.2024

Pronounced on : 12.08.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)Nos.9326 and 9328 of 2021

and

W.M.P.(MD)Nos.7051, 7053, 7055 and 7056 of 2021

W.P.(MD)No.9326 of 2021

Saravanamuthu Pillai Chatram,
represented by its Fit Person,
having her office at
Arulmighu Chokanathaswamy Thirukoil,
Viruthunagar,
Viruthunagar District.

... Petitioner

Vs.

1. The Joint Sub-Registrar No.2,
Virudhunagar.
2. M/s.S.N.Baskara Nadar and sons,
represented by its Partner,
K.Sivarajan,
S/o.S.N.B.Kannan,
No.196, Cutchery Road,
Virudhunagar Town,
Virudhunagar District.
3. O.N.Nallathambi

... Respondents



W.P.(MD)Nos.9326 and 9328 of 2021

Prayer : This Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to quash the order passed by the third respondent in Na.Ka.No.62 of 2020 dated 01.12.2020 by calling for the records from the first respondent and also directing the first respondent not to register any document pertaining to the properties owned by Saravana Muthu Pillai Chathiram Virudhunagar.

For Petitioner	: Mr.V.Chandrasekar
For R1	: M/s.D.Farzana Ghousia Special Government Pleader
For R2	: Mr.R.Srinivas, Senior Counsel for Mr.N.Dilip Kumar
For R3	: Mr.R.Sankaranarayanan, Senior Counsel for Mr.C.Murugavel

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Saravanamuthu Pillai Chatram,
represented by its Fit Person,
having her office at
Arulmighu Chokanathaswamy Thirukoil,
Viruthunagar,
Viruthunagar District.

... Petitioner

Vs.

1. The District Registrar,
Virudhunagar.
2. The Joint Sub-Registrar No.2,
Virudhunagar.



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3. The Tahsildar,
Virudhunagar.

4. M/s.S.N.Baskara Nadar and Sons,
represented by its Partner,
K.Sivarajan,
S/o.S.N.B.Kannan,
No.196, Cutchery Road,
Virudhunagar Town,
Virudhunagar District.

5. O.N.Nallathambi

... Respondents

Prayer : This Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, by calling for the records from the second respondent and cancel the document bearing No.6496 dated 05.08.2020 registered in the office of the second respondent executed by the fifth respondent in favour of the fourth respondent firm and also directing the third respondent not to effect any changes in the revenue record on the basis of the document bearing No. 6496 of 2020 dated 05.08.2020.

For Petitioner : Mr.V.Chandrasekar

For R1 to R3 : M/s.D.Farzana Ghousia
Special Government Pleader

For R4 : Mr.R.Srinivas, Senior Counsel
for Mr.N.Dilip Kumar

For R5 : Mr.R.Sankaranarayanan, Senior Counsel
for Mr.C.Murugavel



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COMMON ORDER

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The Writ Petition in W.P.(MD)No.9326 of 2021 is directed against the order dated 01.12.2020 passed by the first respondent informing that the sale deed dated 05.08.2020 will be received for registration, if it is otherwise in order.

2. The Writ Petition in W.P.(MD)No.9328 of 2021 has been filed seeking orders to cancel the document bearing No.6496 dated 05.08.2020 registered on the office of the second respondent executed by the fifth respondent in favour of the fourth respondent and also for directions to the third respondent not to effect any changes in the revenue records on the basis of the document dated 05.08.2020.

3. The above Writ Petitions came to be filed by the Fit person appointed by the Hindu Religious and Charitable Endowments Department for Saravanamuthu Pillai Chathiram, Virudhunagar.

4. For the sake of convenience and brevity, the respondents in both the writ petitions will be referred to as per their status/ranking in W.P. (MD)No.9328 of 2021.



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5. The case of the writ petitioner-Chathiram is that the writ petitioner-Chathiram, by name, Saravanamuthu Pillai Chathiram was founded by Saravanamuthu Pillai, who served as Tahsildar and during his life time, the said Saravanamuthu Pillai constructed a Chathiram and also constructed a Vinayagar Temple, that the said Saravanamuthu Pillai founded the writ petitioner-Chathiram for providing food and shelter for the devotees, who are visiting the Chathiram, for feeding three brahmins daily, for doing thanneer pandhal charity, for doing poojas for the Vinayagar Temple and for performing Maheswara pooja during the Tamil month of Aadi, that the said Saravanamuthu Pillai has also endowed several properties in Virudhupatti Village, Tirunelveli District and Kuttralam Village, Tenkasi Taluk and also in Devanallur Village apart from the properties shown in the sale deed dated 05.08.2020, that there were complaints regarding illegal sale of the properties owned by the writ petitioner-Chathiram during the year 1983 and hence, the Government of Tamil Nadu thought it fit to extend the provisions of the Hindu Religious and Charitable Endowments (hereinafter called as 'the HR&CE') Act after following the procedures contemplated in Section 3 of the HR&CE Act and accordingly, the writ petitioner-Chathiram was brought under the



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purview of the HR&CE Act, that the Executive Officer of Arulmighu Chokanathaswamy Thirukoil was appointed as Fit person to administer the office of the writ petitioner-Chathiram, that the Fit person has taken possession of the writ petitioner-Chathiram building recently and she is taking steps to retrieve the properties of the writ petitioner-Chathiram which have been changed hands by hook and crook means, that the Assistant Commissioner of the HR&CE Department, Virudhunagar has sent a communication to the second respondent not to register any documents pertaining to the writ petitioner-Chathiram, that the fourth respondent has presented a document for registration, which was returned by the second respondent, that the fourth respondent has then challenged the communication of the Assistant Commissioner by filing a writ petition in W.P.(MD)No.9860 of 2020 and this Court directed the second respondent herein to comply with the direction of the Hon'ble Division Bench, that the second respondent has conducted an enquiry but no notice was issued to the writ petitioner-Chathiram to participate in the enquiry, that the enquiry was completed without the presence of the writ petitioner-Chathiram and as such, the impugned order passed by the second respondent is not binding on the writ petitioner-Chathiram and that



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therefore the writ petitioner-Chathiram was constrained to file the first writ petition in W.P.(MD)No.9326 of 2021 to challenge the order dated 01.12.2020 passed by the second respondent.

6. In pursuance of the order of the second respondent dated 01.12.2020, the sale deed dated 05.08.2020 came to be presented before the second respondent and the same was registered in document No.6496/2020. Hence, the writ petitioner-Chathiram was also constrained to file the second writ petition in W.P.(MD)No.9328 of 2021 seeking cancellation of the sale deed dated 05.08.2020 bearing document No.6496/2020.

7. The fourth respondent has filed a common counter affidavit. Similar, the fifth respondent has also filed a common counter affidavit, reiterating the stand taken by the fourth respondent.

8. The defence of the private respondents 4 and 5 is that the property in dispute with a larger extent was purchased by the fifth respondent from one A.V.T.Ganesan, D.M.K.Karuppasamy and N.Senthil Kumar through his power agent Bharanitharan under sale deed document



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No.478/2019 dated 04.02.2019 and the said A.V.T.Ganesan under sale deed document No.2397/2019 dated 08.05.2019, that the fourth respondent had purchased the property in dispute from the fifth respondent, that the said sale deed was submitted before the second respondent for registration but the same was rejected on 01.12.2020 by referring to the objections raised by the HR&CE Department, that the fourth respondent has filed a writ petition in W.P.(MD)No.9860 of 2020 challenging the proceedings of the Assistant Commissioner of the HR&CE Department dated 13.07.2018 and 08.05.2020 and the consequential refusal check slip No.01/2020 dated 05.08.2020 of the second respondent, that the second respondent declined to register the sale deed executed in favour of the fourth respondent referring to the objections made by the Assistant Commissioner of the HR&CE Department in reference to Section 22-A of the Registration Act, that this Court has issued necessary directions and in pursuance of the same, the second respondent, after enquiry, has passed the impugned order dated 01.12.2020 and consequently the sale deed dated 05.08.2020 was registered on 02.12.2020, that the property of the writ petitioner-Chathiram was sold as early as on 24.03.1986 vide sale deed document No.618/1986 in favour of



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the said A.V.T.Ganesan, that there had been several subsequent alienations in respect of the property vide document No.3826/2018 dated 03.08.2018, document No.3828/2018 dated 03.08.2018, document No.478/2019 dated 04.02.2019 and document No.2397/2019 dated 08.05.2019, that all the above documents have been registered on the file of the second respondent without any objections, that all the revenue records including the Municipal Town Survey Register came to be changed in favour of the purchasers, that the provisions of the HR&CE Act have not been extended to the writ petitioner-Chathiram and are only pending at the stage of proposal and there is no completion of the procedure prescribed under Section 3 of the HR&CE Act to extend the provisions of the HR&CE Act to the writ petitioner-Chathiram, that the said A.V.T.Ganesan has purchased the property on 24.03.1986 vide document No.618/1986 from the Trustees of the writ petitioner-Chathiram after obtaining orders from the Principal District Court, Ramanathapuram in O.P.No.2 of 1985 dated 04.09.1985, that the prohibition brought under Section 22-A of the Registration Act with effect from 20.10.2016 cannot be retrospectively applied to the sale made in 1986 and cannot be extended to the subsequent alienations, that in the absence of any proceedings to substantiate that the



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provisions of the HR&CE Act had been extended to the writ petitioner-Chathiram before the sale on 24.03.1986, the question of seeking permission from the Commissioner of the HR&CE Department or the prohibition under Section 22-A of the Registration Act does not arise at all, that the writ petitioner-Chathiram, by suppressing all the above details, has filed the writ petitions belatedly and that therefore the writ petitions are absolutely devoid of merit and are liable to be dismissed.

9. The second respondent has filed a counter affidavit in W.P. (MD)No.9326 of 2021 stating that the District Judge of Ramanathapuram at Madurai in O.P.No.2 of 1985 has granted permission to the then Trustees of the writ petitioner-Chathiram Trust, Virudhunagar to sell the specific property belonging to the writ petitioner-Chathiram Trust to third parties to earn income for performing dharma, that the instant property along with more extent covered by the Court permission was sold by the writ petitioner-Chathiram through the sale deed No.618/1986 to one A.V.T.Ganesan and similar transactions have taken place on the basis of the said sale document No.618/1986, that the communication of the HR&CE Department vide proposed notification to the writ petitioner-



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Chathiram under the provisions of the HR&CE Act was published in G.O.Ms.No.1297, Commercial Taxes and Religious Endowments, Department dated 30.09.1988 but the basic sale deed was executed on 24.03.1986 itself following the permission granted by the Court, that show cause notice contemplated under Section 3(3) of the HR&CE Act was published vide G.O.Ms.No.1297 dated 30.09.1988 but the property was sold by the writ petitioner-Chathiram to the third party on 24.03.1986 and that therefore the writ petition is liable to be dismissed.

10. It is not in dispute that the fourth respondent purchased the property in dispute from the fifth respondent and presented the sale deed before the second respondent for registration but the second respondent, by referring to the communication received from the HR&CE Department, has refused to register the document and issued the check slip. Aggrieved by the issuance of check slip refusing to register the document, the fourth respondent has filed the writ petition in W.P.(MD)No.9860 of 2020. The Assistant Commissioner of the HR&CE Department, Virudhunagar has filed a counter affidavit raising serious objections. A learned Judge of this Court, directing the Registering Authority to follow the directions issued



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by the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar Vs. The Special Commissioner and Commissioner, HR&CE Department, Chennai*** reported in ***2017 (3) CTC 135***, quashed the communication sent by the second respondent and remitted the matter back to the second respondent directing him to hold a summary enquiry and to complete the entire exercise within a period of eight weeks from the date of receipt of a copy of that order. In pursuance of the said direction of this Court, the second respondent, after hearing the purchaser's side and also the HR&CE Department, has passed the impugned order dated 01.12.2020 overruling the objections raised by the HR&CE Department.

11. The learned counsel appearing for the writ petitioner-Chathiram would mainly contend that the District Court has no power or jurisdiction to grant permission to sell the property belonging to the writ petitioner-Chathiram, that the Commissioner of the HR&CE Department alone is having proper authority to give permission to sell the lands belonging to the religious institution, that the order obtained by the then Trustees of the writ petitioner-Chathiram in O.P.No.2 of 1985 for selling some of the properties owned by the writ petitioner-Chathiram from the District Court, Ramanathapuram at Madurai is without jurisdiction and is nullity, that the



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sales made in pursuance of the permission obtained from the District Court are legally invalid, that the Government of Tamil Nadu, after coming to know about the irregularities in the administration of the writ petitioner Charitable Endowment and illegal sale of properties owned by the writ petitioner-Chathiram and after considering the report of the Commissioner of the HR&CE Department, thought it fit to extend the provisions of the HR&CE Act and issued notification in G.O.Ms.No.1297 dated 30.09.1988 and as per the said GO, the writ petitioner-Chathiram was brought under the purview of the HR&CE Act, that as per the provisions of the HR&CE Act, Commissioner is the competent authority to give permission for selling the properties belonging to the HR&CE and that since the writ petitioner-Chathiram has not obtained any permission from the Commissioner of the HR&CE Department, sales made in respect to the properties belonging to the writ petitioner-Chathiram are to be taken as legally invalid.

12. The learned Senior Counsel appearing for the private respondents 4 and 5 would submit that the permission from the District Court was obtained in O.P.No.2 of 1985 dated 04.09.1985 and in



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pursuance of the said permission, the then Trustees of the writ petitioner-Chathiram sold some of the properties of the writ petitioner-Chathiram which includes the property in dispute to the said A.V.T.Ganesan vide sale deed dated 24.03.1986, that even according to the writ petitioner-Chathiram, the writ petitioner-Chathiram was brought under the purview of the HR&CE Act vide G.O.Ms.No.1297 dated 30.09.1988, that since the properties are Trust properties, the then Trustees of the writ petitioner-Chathiram have rightly obtained permission from the District Court and hence, the question of getting permission from the Commissioner of the HR&CE Department does not arise at all, that the writ petitioner-Chathiram or the HR&CE Department have neither challenged the order of the District Judge in O.P.No.2 of 1985 nor the sale deed dated 24.03.1986 executed in favour of the said A.V.T.Ganesan by the then Trustees of the writ petitioner-Chathiram, that though there were some other alienations in respect of the writ petitioner-Chathiram property, the writ petitioner-Chathiram has not challenged those alienations and that therefore the writ petitioner-Chathiram is not entitled to question the order passed by the second respondent or the sale deed came to be registered in pursuance of the order of the second respondent.



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13. It is pertinent to note that as already pointed out, the then Trustees of the writ petitioner-Chathiram have sold some properties including the property in dispute to the said A.V.T.Ganesan vide sale deed dated 24.03.1986. Even according to the writ petitioner-Chathiram, the provisions of the HR&CE Act had allegedly been extended to the writ petitioner-Chathiram vide G.O.Ms.No.1297 dated 30.09.1988, after the lapse of more than 2 years since the execution of the sale deed. It is not the case of the writ petitioner-Chathiram or the HR&CE Department that immediately after the issuance of G.O.Ms.No.1297, they have taken necessary proceedings challenging the order passed by the District Judge in O.P.No.2 of 1985 and the sale deed dated 24.03.1986.

14. It is not in dispute that the fifth respondent has purchased some of the properties including the property in dispute from the said A.V.T.Ganesan in the year 2019 and sold the same to the fourth respondent vide sale deed dated 05.08.2020, which is now under challenge.

15. The learned Senior Counsel appearing for the private respondents 4 and 5 would submit that the proceedings of the Assistant Commissioner of the HR&CE Department dated 13.07.2018 demonstrates



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that only on 30.09.1988, a show cause notice contemplated under the proviso to Section 3(3) of the HR&CE Act was published in the Government Gazette vide G.O.Ms.No.1297 and even in 2018, the proceedings to extend the provisions of the HR&CE Act to the writ petitioner-Chathiram was only pending and that the writ petitions does not even mention the date or number of the proceedings under which the provisions of the HR&CE Act have been extended to the writ petitioner-Chathiram.

16. In order to counter the said argument, the learned counsel appearing for the writ petitioner-Chathiram would rely on the judgment of this Court in the case of ***M.Sadasivam Pillai Vs. State of Tamil Nadu and another*** reported in ***CDJ 1972 MHC 272*** and argued that the notification to bring the writ petitioner-Chathiram under the purview of the HR&CE Act came to be published in G.O.Ms.No.1297 dated 30.09.1988 and no further enquiry is necessary. At this juncture, it is necessary to refer the following passages hereunder:-

“4. A person whose interests are affected, ought not to take up a recalcitrant attitude by refusing to participate in an enquiry and thus voluntarily deny himself the



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opportunity of placing all his objections before the enquiry officer and getting redress. If, by such recalcitrance, he refuses to participate in the enquiry and if, perforce, the enquiry officer is compelled to close the enquiry without any further assistance given by the aggrieved person then it cannot be said that the said enquiry so initiated processed and concluded by the enquiry officer suffers from any violation of the well known norms of natural justice. The petitioner was given an opportunity. He refused to avail himself of the opportunity and therefore, he cannot complain that he was not given an opportunity. The first contention of the learned counsel for the petitioner therefore fails. The second contention is that even at the stage of the show cause notice given by the Government Pleader pursuant to the proviso to subsection (3) of Section 3, a full-fledged enquiry is contemplated. What is said is that the Government before issuing a notification under Section 3(3) of the Act, is expected to hear fully the aggrieved person, viz., the trustee or the manager of the charitable endowment, and after such a full hearing, render their decision as to their satisfaction that the charitable endowment, is being mismanaged etc. Neither the content nor the text of Section 3(3) and the proviso thereto lends support to this contention. As a matter of fact, on a fair reading of the various requisites which have to be satisfied before the Government can be



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subjectively satisfied about the mismanagement of a public trust, it is clear that two particular stages are contemplated. The first stage envisages a full, fair and adequate opportunity to the trustee or manager wherein he is given an opportunity to lay threadbare his case by producing documents, accounts and other relevant acceptable evidence and also sustain his case by examining witnesses on his side. Such a comprehensive enquiry which is envisaged in the first stage was not availed of by the petitioner because he did not want it. In so far as the second stage in the process is concerned, it is only an internal decision to be arrived at by the Government who, after considering the report of the Commissioner, should subjectively be satisfied that all is not well with the charitable endowment. At this stage a second opportunity is given to the delinquent to show cause against the issue of the notification. But, that does not mean that even at the second stage, a second full-fledged, detailed, open enquiry should be undertaken. It is, after all, the State Government considers the report of its officer who records the same after hearing adequately the parties concerned. It would be idle therefore, to contend that even at the second show cause stage, there must be a personal hearing of the delinquent trustee or manager and in the absence of such a hearing, the entire process is vitiated.



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5. *Kailasam, J., in Shanmugham Pillai v. State of Madras, W.P. No. 4518 of 1965 (Mad) under similar circumstances, observed as follows-*

"While Section 3(2) contemplates a full-fledged enquiry, Section 3(3) is limited in its scope..... At the stage a personal hearing is not contemplated."

Ramakrishnan. J., in Venkatarama Iyer v. Govt. of Madras, (1967) 2 Mad LJ 543 took a similar view and said-

"The language of Section 3 of the Act makes it clear that after the report of the Inspector reaches the Government, the trustee will have an opportunity of showing cause, but that opportunity will not be the same as an opportunity under Section 3(2) of facing a full and detailed enquiry."

While I agree with the law as interpreted by this court earlier, I reiterate that the purposes served by the action contemplated in Section 3(3) and Section 3(2) are different and distinct. Whereas, under Section 3(2) an enquiry has to be compulsorily held and the delinquent trustee given an adequate opportunity. Under Section 3(3) the Government is obliged to base its decision on the report of the enquiry officer rendered under Section 3(2) and the explanation of the Trustee and if it is subjectively



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satisfied about the commission or omission of any act in relation to any charitable endowment, it has the jurisdiction to issue the notification under Section 3(3). That is what has been done in the instant case when the challenged notice has been given.”

17. Considering the above, it is very much clear that before issuing notification under Section 3(3) of the HR&CE Act, enquiry under Section 3(2) of the HR&CE Act has to be compulsorily held and thereafter only under Section 3(3) of the HR&CE Act, the Government is obliged to base its decision on the report of the enquiry officer rendered under Section 3(2) of the HR&CE Act and the explanation of the Trustee and after satisfying about the commission or omission, can issue the notification.

18. Considering the above, the contention of the private respondents 4 and 5 that the notification issued under Section 3(3) of the HR&CE Act cannot be considered as a final order, cannot be accepted. But at the same time, the writ petitioner-Chathiram has only referred the notification under Section 3(3) of the HR&CE Act issued in G.O.Ms.No.1297 and they have not whispered anything about the issuance of notice and conducting of



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enquiry under Section 3(2) of the HR&CE Act. But as rightly contended by the learned counsel appearing for the writ petitioner, the private respondents 4 and 5 have not challenged Section 3(3) notification. Whatever it is, whether the HR&CE Department has followed the mandatory requirements contemplated under the provisions of the HR&CE Act for bringing the writ petitioner-Chathiram under the purview of the HR&CE Act, whether enquiry under Section 3(2) was conducted and whether the notification under Section 3(3) was properly issued are the aspects that cannot be gone into in the present proceedings. Even assuming for arguments sake that the writ petitioner-Chathiram was brought under the purview of the HR&CE Act, the fact remains that some of the properties were sold by the then Trustees of the writ petitioner-Chathiram to the said A.V.T.Ganesan before Section 3(3) notification.

19. Though the learned counsel appearing for the writ petitioner-Chathiram has taken a stand of fraud in obtaining orders from the District Court and in selling the properties, the same cannot be gone into in the present proceedings.



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20. According to the private respondents 4 and 5, apart from the sale deed now in dispute, there were some other alienations with respect to the writ petitioner-Chathiram property but the writ petitioner-Chathiram, admittedly, has not taken any steps to challenge the same. Though the Fit person, in the affidavit filed in support of the writ petitions, has stated that she has been taking steps to retrieve the properties of the writ petitioner-Chathiram, she has not shown that she had taken such steps for the past three years.

21. The main complaint of the private respondents 4 and 5 is that the Fit person, without challenging the other alienations, has singled out the present sale deed now under dispute for the reasons best known to her. In the absence of any materials or evidence to show that the Fit person has taken appropriate proceedings challenging the other alienations of the properties belonging to the writ petitioner-Chathiram and in the absence of any reason for challenging the sale deed now in dispute only, the complaint of the private respondents 4 and 5 cannot be rejected outrightly as devoid of substance.



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22. Now turning to the legal plea, it is evident from the records that the Assistant Commissioner of the HR&CE Department has sent the communication to the second respondent directing him not to register any document relating to the writ petitioner-Chathiram invoking Section 22-A of the Registration Act as amended in Tamil Nadu. It is necessary to refer Section 22-A(1) of the Registration Act,

*“22-A–Refusal to register certain documents:-
Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely;-*

(1) instrument relating to the transfer of immovable properties by way of sale, gift mortgage, exchange or lease,-

(i)

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;

23. No doubt, the above provision came into effect from 20.10.2016. In the absence of any other provisions in the Registration Act, the above amendment has to be considered as prospective in nature.



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Hence, the amended provision applies to the document registered on or after October-2016 and does not affect the document registered prior to that date. If that be the position, then the sale deed dated 24.03.1986 executed by the then Trustees of the writ petitioner-Chathiram in favour of the said A.V.T.Ganesan cannot be challenged by invoking Section 22-A of the Registration Act as amended in Tamil Nadu and the said provision cannot made applicable to the document executed and registered in 1986.

24. Moreover, as rightly contended by the learned Senior Counsel appearing for the private respondents 4 and 5, the prohibition is only for the immovable properties belonging to or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act is applicable. In the present case, as rightly contended by the learned Senior Counsel appearing for the private respondents 4 and 5 and as rightly observed by the second respondent, the property involved in the sale deed now in dispute was not owned by the writ petitioner-Chathiram and was owned by the fifth respondent as on 05.08.2020 the date on which the sale deed came to be executed. Viewing from any angle, Section 22-A of the Registration Act as



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amended in Tamil Nadu cannot be made applicable to the document in dispute.

25. The next contention of the writ petitioner-Chathiram is that the writ petitioner-Chathiram was not given any notice nor given any opportunity of being heard by the second respondent before passing the impugned order. As rightly contended by the learned Senior Counsel appearing for the private respondents 4 and 5, this Court in the order passed in W.P.(MD)No.9860 of 2020, while directing the Registering Authority to hold a summary enquiry, has made it clear that the purchaser of the property has to be placed on one side and the HR&CE Department has to be placed on the other side and further directed the HR&CE authority to place all the relevant materials to indicate that they have right in the subject matter and further directed the Registering Authority to decide the issue within the period stipulated. No doubt, in pursuance of the said direction of this Court, the second respondent, after hearing both the sides, has passed the impugned order dated 01.12.2020 overruling the objections raised by the HR&CE Department. Considering the above, this Court has no hesitation to hold that the writ petitions are absolutely devoid of merit and the same are liable to be dismissed.



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26. In the result, these Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

12.08.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
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To

1. The District Registrar,
Virudhunagar.
2. The Joint Sub-Registrar No.2,
Virudhunagar.
3. The Tahsildar,
Virudhunagar.



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and
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Dated : 12.08.2024