



W.P(MD)No.15197 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15197 of 2024

and

W.M.P.(MD)No.13301 of 2024

D.Nirmal Raj

... Petitioner

Vs.

1.The District Registrar,
O/o. The District Registrar,
Ramanathapuram District.

2.The Sub Registrar,
O/o.Sub Registrar,
Rameswaram,
Ramanathapuram District.

3.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment,
No.48, Muthusamy Nagar,
Thiruppathur Road,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents No. 1 and 2 from insisting upon the No Objection Certificate from the respondent no. 3 for Registration of the petitioner's lands in S.No. 863/2 to an extent of 1 Acre 90 cent, S.No. 110 to an extent of 7 acre 26 cents, S.No. 879 to an extent of 13 acres 50 cents in Rameswaram Village, Rameswaram Taluk,



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Ramanathapuram District and consequently direct the respondent no. 1 and 2 to follow procedure delineated by the Division Bench in the decision reported in *2017 (3) CTC 135* (Sudha Ravi Kumar and others Vs. the Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and others and register the document present by the petitioner for registration.

For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 & R2

: Mr.K.Subburaj
Standing Counsel for R3

ORDER

The petitioner wants to purchase the petition mentioned property. The petitioner had earlier filed O.S.No.9 of 2023 against one Murugappa Chettiyar represented by his power agent Annamalai for specific performance. It is stated that the matter was settled in lokadalat on 11.03.2023. The petitioner now wants to register the sale deed. When the petitioner made enquiry with the second respondent, he was told that Survey No.863/2 measuring 1 acre 90 cents has been endowed in favour of Arulmigu V.R.Chathiram, Dhanushkodi, Ramanathapuram. All that the petitioner now wants is that the registering authority must follow the directions laid down by the Hon'ble Division Bench in the decision reported in *2017 (3) CTC 135 (Sudha Ravi Kumar Vs. The Special Commissioner)*.



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2. 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)** had issued the following directions:-

“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.



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(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.”*

3. The petitioner is permitted to present the sale deed in question before the second respondent. The registering authority will issue notice to the third respondent and take a call and follow the aforesaid direction. I have not gone into the merits of the matter. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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

- 1.The District Registrar,
O/o. The District Registrar,
Ramanathapuram District.
- 2.The Sub Registrar,
O/o.Sub Registrar,
Rameswaram,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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