



W.P.(MD) No.9803 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.9803 of 2017

Subburaj

... Petitioner

Vs.

1.The Sub Registrar,
Peraiyur,
Peraiyur Taluk,
Madurai District.

2.The Joint Commissioner,
HR & CE,
Madurai.

3.The Deputy Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, thereby call for records of the 1st respondent, dated 16.05.2017, in No.P191/2013 and quash the same as illegal and consequently direct the 1st respondent to accept the register the document to restraining to sale deed dated 25.09.2013 with regard to property complied on Survey No.92/4 of Peraiyur Village and Taluk, Madurai District.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents.

2.Challenge in the writ petition is the refusal slip refusing to register the document presented by the petitioner holding that the land belongs to a temple.

3.The learned counsel for the petitioner would submit that thereafter the first respondent had returned the document to the petitioner by post. He would further submit that the first respondent ought to have conduct enquiry as directed by this court in the Judgment of this Court in the case of *Sudharani Ravikumar Vs. The Special Commissioner*, reported in **2017 (3) CTC 135**.



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4.However, the learned counsel for the respondent would submit that when the land belongs to the temple, the first respondent can refuse registration of the documents. Before passing the order of refusal, the Registrar concerned should issue notice to the Executant as well as the Temple Authorities concerned and thereafter, take a decision under the said provision. In view of the same, the order impugned herein is set aside.

5.Since the document has already been returned to the petitioner, the petitioner shall represent the said document to the first respondent and on such representation the first respondent shall issue notice to the Temple Authorities as well as the petitioner herein and thereafter passed appropriate orders on merits and in accordance with law.

6.With the above said directions, this writ petition is allowed.
There shall be no order as to costs.

26.11.2024

Index : Yes/No
Internet : Yes
TM



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To

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K.KUMARESH BABU, J.

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