



W.P.(MD) No.22688 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.22688 of 2018

and

W.M.P.(MD)Nos.20582 and 20583 of 2018

K.Mohamed Iqbal

...Petitioner

-vs-

1.The District Registrar,
District Registrar Office,
Ariyalur, Ariyalur District.

2.The Sub Registrar,
Sub Registrar Office,
Lalkudi, Trichy District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Trichy, Trichy District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 12.01.2017 in Na.Ka.No.A1/254/2016 passed by the first respondent and quash the same and thereby direct the first and second respondents to accept Rs. 49,000/- as Stamp Duty from the petitioner to the 'Addition of Terms omitted in the Lease Deed' dated 16.08.2016 which is kept as 'Pending



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Document' No.66/2016 by the second respondent and thereby release and handover the above deed to the petitioner.

For Petitioner	: Mr.B.Rajesh Saravanan
For R1 & R2	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.K.S.Selva Ganesan Additional Government Pleader

ORDER

Challenge has been made to the order passed by the first respondent refusing to register the rectification deed on the ground that the property is endowed to the public charity and under the control of the HR & CE Department.

2.The petitioner's case is that the petitioner's principle namely, M/s.Sulthan Educational and Charitable Private Trust, had entered into a lease agreement with regard to the property in Survey No.103/2 measuring about 2 acres and 10 cents with M/s.Rangoon Chidambara Reddiyar Chadram Trust. The said lease deed had been registered on 06.07.2019. The lease amount as per the deed is Rs.10,000/- and the lease period is 99 years. The petitioner intended to incorporate certain terms in the lease deed. When the petitioner presented the said terms by way of a rectification deed, the impugned order has been passed.



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3.The third respondent has filed counter affidavit stating that the property belongs to the trust, which has been endowed for performance of certain charities under the control of the Hindu Religious and Charitable Endowments Department. The trust deed was executed on 09.11.1914 with the condition to perform charities to the temple Srirangam Ranganathaswami temple. Therefore, any alienation without the sanction of the Commissioner is not valid in the eye of law.

4.I have heard the learned counsel appearing on either side and perused the materials placed on record.

5.As the entire property appears to be endowed to the public charity and it is under the control of the Hindu Religious and Charitable Endowment Department, the very registration of the lease deed for a period of 99 years is void, particularly in the absence of the Commissioner's sanction under Section 34 of the Hindu Religious and Charitable Endowment Act.

6.As long as the property is endowed to public charity and now it is under the control of the Hindu Religious and Charitable Endowment



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Department, as a matter of right, the document presented by the petitioner cannot be registered. It is for the petitioner to approach the commissioner, Hindu Religious and Charitable Endowment Department for appropriate sanction.

7. In view of the above, I do not find any merits in this writ petition. Accordingly, this writ petition stands dismissed. However, it is made clear that the Hindu Religious and Charitable Endowment Department shall restore the property to its original position. No costs. Consequently, connected miscellaneous petitions are closed.

01.10.2024

Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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