



W.P.(MD) No.20169 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.20169 of 2016

and

W.M.P.(MD) Nos.14458 and 14459 of 2016 and 1944 of 2017

E.Thanga Narayanan

... Petitioner

/vs./

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
District Registrar Office,
S.N.High Road, Tirunelveli.

3.The Sub Registrar,
Valliyoor,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order dated 16.12.2015 on the file of the Respondent No.3 and quash the same as illegal and consequently issue a direction directing the 3rd



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Respondent to register and release the sale deed dated 25.02.2013 as pending document in P21/2013 to the petitioner.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

The writ petition had been filed challenging the communication dated 16.12.2015 calling upon the petitioner to take back the document presented by him for registration.

2. It is the case of the petitioner that in the year 2013, he had presented a document for registration. However, the same was not registered. Hence, he had approached this Court by filing a writ petition in W.P.(MD) No.11561 of 2013 seeking for a Mandamus to the third respondent herein to release the sale deed dated 25.02.2013, which is pending as Doc.No.P21/2013. He would submit that when the writ petition was taken up for hearing, it was represented by the learned Government Advocate that the land belonged to the Mutt. However, considering the fact that the petitioner had not been intimated of any such order, there was a



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direction given by this Court to the third respondent to pass orders informing the petitioner as to why such document had not been released, when the same is not a registered one.

3. He would further submit that this Court in an earlier occasion had issued directions in W.P.(MD) No.3436 of 2012 vide order dated 26.03.2012 to the respondents to register similar documents. He would rely upon the order of this Court made in W.P.(MD) No.13846 of 2012 filed by the Mutt seeking for a direction to forebear the registration of any sale deed or any other deed pertaining to certain survey numbers, which was disposed of without any positive directions. Therefore, he would submit that the respondents cannot refuse to register the document and therefore, he would submit that the impugned order is liable to be set aside and consequential direction be issued to the respondents to register and release the document.

4. Countering his argument, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents would submit that after the presentation of the document, by communication dated 28.05.2013, the petitioner



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had been informed that the lands belong to the Mutt and that without a 'No Objection Certificate' from the Mutt, the document could not be registered and had called upon him to get the 'No Objection Certificate' either from the HR & CE Department or from the Mutt for proceeding with the registration. Since the said order had also been communicated to the petitioner, the petitioner had not produced the 'No Objection Certificate' from the Mutt and therefore, the present impugned order had been passed.

5. He would further submit that even in the writ petition, where the petitioner claims to have a positive direction for registering the document, what was directed by this Court was only to give reasons as to why the documents are not allowed to be registered. If no such reason is given, then the Sub Registrar cannot refuse to register the document. He would also submit that in the writ petition filed by the Mutt, a direction had been given to the respondents to consider the representation on the grievance expressed by the Mutt if the same is tenable in law. He would refer to Section 22A of the Registration Act, 1908, and would submit that if any land belonging to the temple or religious institutions is found in the revenue records, without the 'No Objection Certificate' from the



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concerned religious institutions, the same would not be registered.

6. I have considered the rival submissions made by the learned counsel on either side.

7. Admittedly, it is not disputed by the petitioner that the revenue records of the land in question has been registered in the name of the Mutt. Even though he had relied upon the suit filed by the Mutt, which had come to be dismissed for default, the same cannot conclude that the Mutt is not the owner of the property. The revenue records reflect the name of the owner of the property. When that be so, the petitioner cannot force the Registrar to register the document, which stands in the name of the religious institutions as the same is mandated under Section 22A of the Registration Act, 1908.

8. Further, as rightly pointed out by the learned counsel for the respondents that the impugned notice dated 16.12.2015 is only a consequential order to the earlier order passed by the third respondent in proceedings Na.Ka.No.133/2013 dated 28.05.2013. Hence, without challenging the main order, the writ petition



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challenging the consequential order is also not maintainable.

9. For the aforesaid reasons, I do not find any merit in this writ petition and accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No

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Internet : Yes / No

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To

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K.KUMARESH BABU, J.

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