



WP(MD). No.23038 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 06/08/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.23038 of 2019

P.Pulagendhi

... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2. The Sub Registrar,
Bodinayakkanur, Theni Dist.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to register the gift settlement deed dt 19.9.2019 executed by the petitioner in favour of his wife Manonmani in relating with the house site measuring 900 sq.ft in S.no.642/3 bearing plot no.582, in Sri Kannika Parameswari Amman nagar, Thevaram, without insisting no objection certificate from the Tamilnadu H.R and C.E Dept as it is a denomination temple and its properties and so H.R. and C.E has no role it



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For Petitioner : M/s.R.Suriyanarayanan
For Respondent : Mr.C.Sathish
Government Advocate

ORDER

This writ petition has been filed for a direction to the 2nd respondent to register the gift settlement deed dt 19.9.2019 executed by the petitioner in favour of his wife Manonmani in relating with the house site measuring 900 sq.ft in S.No.642/3 bearing plot no.582, in Sri Kannika Parameswari Amman nagar, Thevaram, without insisting no objection certificate from the Tamilnadu H.R and C.E Department as it is a denomination temple and its properties and so H.R. and C.E has no role it.

2. It is the case of the petitioner that one Kannika Parameswari Amman Temple a denomination temple has filed a suit in O.S.No. 190/1977 for declaration. The suit has been decreed in their favour, wherein, the HR&CE department has been made as defendants. Not stopping with that, the writ petitions have also been filed in WP Nos. 6948, 6896 and 6898 of 2015 against the Commissioner, HR&CE



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Department. This Court has allowed those writ petitions holding that the said Kannika Parameswari Temple is a denomination temple, over which, the HR&CE has no role to play in the administration of the temple. After this matter reached finality, it appears that the private denomination temple sold the property to the petitioner vide sale deed dated 15.12.2010, 10.02.2011 and 10.02.2011 respectively. Now, the petitioner presented the settlement deed and the same is refused to be registered on the ground that no objection certificate is required from the HR&CE Department.

3. It is pertinent to note here that the respondents have not disputed the earlier judgment. Perusal of the suit filed by the temple shows that the Court below has granted declaration in favour of the temple holding that it is a denomination temple and the HR&CE has no control over it. In the writ petition also, it has been observed that the HR&CE Department has no right over the temple. When rights have been determined and it reached finality, issuance of no objection certificate from the HR&CE Department does not arise. Accordingly, the respondents are directed to register the document without insisting for the no objection certificate.



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4. The writ petition is disposed of with the above direction. No costs.

06.08.2024

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TO

1. The Inspector General of Registration, No.100, Santhome High Road, Chennai.
2. The Sub Registrar, Bodinayakkanur, Theni Dist.



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N.SATHISH KUMAR,J

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