



W.P.(MD)No26104 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.26104 of 2024

and

W.M.P.(MD)Nos.22133 and 22134 of 2024

M.Aruna

... Petitioner

/Vs./

1.The Sub Registrar,
Kottaram,
Agasteeswaram Taluk,
Kanyakumari District.

2.The District Registrar (Societies),
O/o District Registrar,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal order passed by the first respondent vide RFL/Kottaram/154/2024 dated 03.10.2024 and quash the same as illegal consequently to direct the first respondent to register the Power of Attorney Agreement dated 03.10.2024 within the time frame stipulated by this Court.



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For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 03.10.2024 thereby refused to register the sale deed, which was presented for registration.

2. The property comprised in S.No.241/8 to an extent of 41.25 cents and the property comprised in S.No.241/11 to and extent of 37.50 cents situated in Azhagappapuram Village, Agasteeswaram Taluk, Kanyakumari District were owned by the Ramanathapuram Chottu Vellalar Society Trust. The properties were purchased by the petitioner by a registered sale deed dated 05.07.2007 vide document No.2552/2007. In fact, prior to the petitioner's purchase the vendors of the petitioner had filed a suit in O.S.No.14 of 1976 for title and injunction as against the Hindu Religious and Charitable Endowments Department. It was also escalated to this Court in S.A.No.74 of 1984, wherein, this Court declared that the petitioner's vendor temple is a denominational temple and therefore, the Hindu Religious and Charitable Endowments



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been mutated in the petitioner's name. Therefore, the petitioner was rightly directed to obtain No Objection Certificate from the Hindu Religious and Charitable Endowments Department since the Hindu Religious and Charitable Endowments Department is a beneficiary authority to look into the property belongs to the temple.

4. In SA.No.74 of 1986, this Court by the judgment and decree dated 18.08.1997 recorded that no doubt the Hindu Religious and Charitable Endowments Department has got supervisory control only relating to the collection of contribution and audit fees and apart from that they have no right whatsoever and dismissed the Second Appeal filed by the Hindu Religious and Charitable Endowments Department. That apart, the Hindu Religious and Charitable Endowments Department never submitted any objections with regard to registration of power of attorney executed by the petitioner to deal with the subject property. In view of the above, this Court finds infirmity in the order passed by the first respondent and it cannot be sustained and liable to be set aside. Accordingly, the same is set aside.



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5. The petitioner is permitted to re-present the power of attorney deed and on receipt of the same, the first respondent shall register and release the document forthwith.

6. With the above direction, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

06.11.2024

Index : Yes / No
NCC : Yes / No
CM

TO:

1.The Sub Registrar,
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Kanyakumari District.

2.The District Registrar (Societies),
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G.K.ILANTHIRAIYAN, J.

CM

Order made in
W.P.(MD)No.26104 of 2024
and
W.M.P.(MD)Nos.22133 and 22134 of 2024

Dated:
06.11.2024