



W.P. No.14494 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

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CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

W.P. No.14494 of 2025 and W.M.P.No.16378 of 2025

M. Chellapandian

Petitioner

v

1. The Commissioner
Hindu Religious and Charitable
Endowments Department
Chennai
2. The Deputy Commissioner
Hindu Religious and Charitable
Endowments Department
Coimbatore District
3. The Executive Officer
Hindu Religious and Charitable
Endowments Department
Arulmigu Mariamman & Vinayagar Temple
Soolukkal 642 110
Kinathukadavu
Coimbatore
4. The Sub Registrar Negamam
Office of the Sub Registrar Negamam
Negamam Town
Pollachi Taluk
Coimbatore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the proceedings of the fourth respondent issued in Na.No.251/2024 dated 05.03.2025, quash the same as illegal, arbitrary and consequently, direct the fourth respondent to register the petitioner's document without insisting upon a No Objection Certificate (NOC) from the third respondent.



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For petitioner	Mr. S. Saravanan
For RR 1 to 3	Mr. S. Ravichandran Addl. Govt. Pleader
For R4	Mr. U. Baranidharan Special Government Pleader

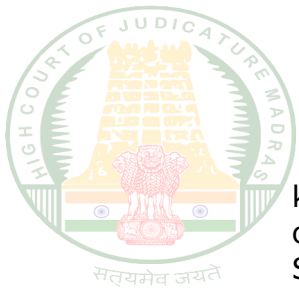
ORDER

This writ petition has been filed challenging the proceedings dated 05.03.2025 of the fourth respondent and for a consequential direction to the fourth respondent to register the sale deed without insisting for No Objection Certificate from the third respondent.

2. Heard Mr. S. Saravanan, learned counsel for the petitioner, Mr. S. Ravichandran, learned Additional Government Pleader for respondents 1 to 3 and Mr. U. Baranidharan, learned Special Government Pleader for the fourth respondent.

3. Earlier, the petitioner filed a writ petition before this Court in W.P.No.30465 of 2024 challenging similar proceedings dated 16.05.2024 issued by the fourth respondent. This writ petition was disposed of by this Court by an order dated 17.10.2024 and the relevant paragraphs of the said order are extracted hereunder:

"3. According to the petitioner, he is in possession and enjoyment of the property situated in Survey No.82/2B2, to an extent of 54 cents, situated at Kullichettipalayam, Pollachi Taluk, Kovilpalayam Post. The petitioner purchased the property on 15.09.2016 from one P.Natarajan for valuable consideration. Now the petitioner decided to sell the property and presented the sale deed before the 4th respondent. The 4th respondent



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kept the document pending as the 3rd respondent issued an objection letter claiming right over the subject property. Subsequently, the impugned order was passed by 4th respondent directing the petitioner to get No Objection Certificate from the 3rd respondent. Aggrieved by the same, the petitioner has come before this Court.

4. The Division Bench of this Court in ***Sudha Ravi Kumar Vs. Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department*** reported in **2017 (3) CTC 135** issued certain guidelines to the registering authorities as to how the objections from the religious institutions shall be dealt with. The relevant observation of the Division Bench reads as follows:

"25. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:

(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.

(ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.

(iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.



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(v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered.

(vi) Consequently the connected miscellaneous petitions are closed. No costs."

5. In view of the law laid down by the Division Bench of this Court, registering authorities are expected to conduct summary enquiry on the objection raised by the religious institution. A reading of the impugned order would suggest no such enquiry has been conducted and straight away the petitioner was directed to get No Objection Certificate from the 3rd respondent. Hence, it is clear that the impugned order was passed without following the guidelines issued by the Division Bench of this Court. Accordingly, the same is set aside and the writ petition stands allowed and the matter is remitted back to the file of 4th respondent with a direction to conduct enquiry by giving reasonable opportunity to the petitioner and the 3rd respondent temple and pass final orders on its own merits as per the directions of the Division Bench in the above mentioned order."

4. Pursuant to the above order, the fourth respondent who was supposed to comply with the directions by conducting an enquiry, has once again issued the impugned proceedings dated 05.03.2025 by assigning the very same reasons. This shows that there is total non application of mind on the part of the fourth respondent and the fourth respondent has virtually not complied with the earlier directions issued by this Court on 17.10.2024 in W.P.No.30465 of 2024.

5. In view of the same, the impugned proceedings dated 05.03.2025 of the fourth respondent is hereby quashed. There shall be a direction to the fourth respondent to strictly comply with the earlier



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order dated 17.10.2024 passed by this Court in W.P.No.30465 of 2024 and take a decision within a period of four weeks from the date of receipt of a copy of this order.

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6. This writ petition is disposed of with the above direction.
Connected W.M.P. stands closed. There shall be no order as to costs.

28.04.2025

cad

To

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N. ANAND VENKATESH, J.
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