



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.10813 of 2019
and
W.M.P. (MD) No.8270 of 2019

M.Sitharthan

... Petitioner

Vs

- 1.The Inspector General of Registration,
No.120, Santhome High Road,
Pattinapakam, Chennai- 600 028.
- 2.The District Registrar,
Tiruchirapalli, having its office at
District Court Complex,
Tiruchirapalli-620 001.
- 3.The Sub Registrar,
Sub Registrar's Office,
Srirangam, Tiruchirapalli-620 006.
- 4.The Joint Commissioner,
Arulmighu Ranganathaswamy Temple,
Srirangam- 620 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records and to quash the communication of the fourth respondent in Na.Ka.No.3076/1426/B4 dated 17.04.2017 and to consequently direct the third respondent to register the documents presented for registration in respect of the property in T.S.No.2476 of Ward III of Srirangam, without insisting for a no objection certificate from the HR & CE Department.

For Petitioner : Mr.K.s.Vamsidhar

For R1 to R3 : Mr.M.Murugan,
Government Advocate

For R4 : Mr.M.Saravanan

**ORDER**

Heard the learned counsel on either side.

2. The petitioner had availed financial assistance by depositing his title deed in respect of the petition mentioned property. According to the petitioner, the mortgage has since been cleared. The petitioner wanted to register the discharge of the mortgage with the third respondent. The third respondent cited the impugned communication issued by the fourth respondent in this regard and declined to register the document presented by the petitioner for registration. Hence this writ petition came to be filed.

3. In a similar matter, the Hon'ble Division Bench of this Court in the decision reported in 2017 (3) CTC 135 in the case of M. Subramanian vs. The Sub Registrar and another has held 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 their 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.

(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"

Respectfully following the said decision, the order impugned in this writ petition is quashed and the Registering Authority shall strictly adhere to the directions set out above.

4.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
No.120, Santhome High Road,
Pattinapakam, Chennai- 600 028.

2.The District Registrar,
Tiruchirapalli, having its office at
District Court Complex,
Tiruchirapalli-620 001.

3.The Sub Registrar,
Sub Registrar's Office,
Srirangam, Tiruchirapalli-620 006.

4.The Joint Commissioner,
Arulmigu Ranganathawswamy Temple,
Srirangam.

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-63820[F] dated 29/04/2019)

+1 CC to M/s.M.SARAVANAN, Advocate (SR-64112[F] dated 30/04/2019)

+1 CC to M/s.SPL GP (SR-65032[F] dated 02/05/2019)

**W.P. (MD)No.10813 of 2019
and**

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29.04.2019**

CS: 17/05/2019/3P/8C