



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANW.P.(MD)No.20701 of 2018 and
W.M.P.(MD)No.18440 of 2018

Dinakaran

... Petitioner

Vs.

1. The Tahsildar,
Madurai East Taluk,
Madurai District.
2. The Sub Registrar,
Thamaraipatti @ Chittampatti,
Madurai District.
3. Arulmighu Kallazhagar Thirukkivil,
Rep. by its Executive Officer/
Joint Commissioner,
Alagarkovil, Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka. No.152/1993/A1, dated 05.07.2018 and quash the same in so far as S.No.65/1B measuring 3.18.5 Hectares of Poikaraipatti Village, Madurai East Taluk, Madurai District, is concerned and direct the second respondent to register the document presented by the petitioner in respect of the above survey number.

For Petitioner	: Mr.N.C.Ashok Kumar
For R-1	: Mr.M.Rajarajan, Government Advocate.
For R-2 & R-3	: Mr.M.Murugan, Government Advocate.

* * *

ORDER

The Writ petitioner wants to plot out and sell the petition mentioned lands. The petitioner had executed sale deeds in favour of the purchaser and presented the same for registration before the second respondent. But then, the second respondent declined to



register the documents in question citing the impugned communication of the third respondent. Hence, the petitioner has filed this Writ petition challenging the impugned communication of the third respondent.

2. Heard the learned counsel on either side.

3. Respondents 2 and 3 have also filed their counter affidavits.

4. The issue on hand is no longer res integra. The Hon'ble Division Bench in the decision reported in 2017 (3) CTC 135 (Sudha Ravi Kumar V. The Special Commissioner & Commissioner, H.R. & C.E Department) issued the following directions:-

"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.

(v) We further direct that if the Deed has already been registered without there being any objection by the Religious Institution under



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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. Respectfully following the said decision, the order impugned in this Writ petition stands quashed and the matter is remitted to the file of the second respondent who shall follow the procedure laid down above. The Writ petition stands allowed, on these terms. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Tahsildar,
Madurai East Taluk,
Madurai District.

2. The Sub Registrar,
Thamaraipatti @ Chittampatti,
Madurai District.

+1 CC to Mr.S.MANOHAR, Advocate SR-64095.

+1 CC to SPL GP SR-65066.

W.P.(MD)No.20701 of 2018 and
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CS: (13/06/2019) 3P 5C