



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2021

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD) No.15902 of 2020

Masilamani

.. Petitioner

Vs.

The Sub Registrar,
(Document Registration Department)
Melakarur,
Karur District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip dated 29.07.2020 passed by the respondent and quash the same and consequently issue a direction to the respondent to register the settlement deed dated 29.07.2020.

For Petitioner : Mr.K.Govindarajan,
for Mr.T.Balakrishnan

For Respondent : Mr.M.Murugan,
Government Advocate.

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the respondent on 29.07.2020, wherein the respondent refused to entertain the settlement deed that was presented for registration on 29.07.2020.

2. Heard Mr.K.Govindarajan, learned counsel for Mr.T.Balakrishnan, learned counsel appearing on behalf of the petitioner and Mr.M.Murugan, learned Government Advocate appearing on behalf of the respondent.

3. The petitioner claims absolute right over the subject property based on the registered sale deed dated 15.11.1994. According to the petitioner, there is no other rival claimant insofar as the subject property is concerned. The respondent has mechanically issued refusal check slip even without mentioning the exact reason as to why the document is not entertained for



registration. The impugned refusal check slip is liable to be quashed on that ground alone.

4. The learned Government Advocate appearing on behalf of the respondent submitted that the property in question belongs to a temple, as per the information uploaded by HR & CE Department in their website. A counter to that effect has also been filed by the respondent.

5. If there is a rival claim made by any temple, this Court has repeatedly held that the respondent will have to conduct an enquiry and take a decision. Useful reference can be made to the judgment of the Division Bench of this Court in **Sudha Ravi Kumar Vs. The Special Commissioner and Commissioner and Others** reported in **2017 (3) CTC 135**. The relevant portion is extracted hereunder:

"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 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."

6. In view of the above, the impugned refusal check slip dated 29.07.2020, issued by the respondent is hereby quashed. The respondent is directed to comply with the directions issued by the Division Bench, which has been referred supra and take a decision with regard to the registration of the settlement deed presented by the petitioner, within a period of six (6) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The Sub Registrar,
(Document Registration Department)
Melakarur, Karur District.

+1 CC to M/s.SPL GP (SR-16916[F] dated 21/04/2021)

W.P. (MD) No.15902 of 2020
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