



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.04.2021**

CORAM

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

W.P. (MD)No.20523 of 2014

and M.P. (MD)Nos.2 & 3 of 2014

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R.Ganesan

.. Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai - 600 004.

2.The Sub Registrar,
Office of the Sub Registrar,
Chinnalapatti.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Circular bearing No.18223/CF1/2013-1 dt., 08.11.2013 of the 1st respondent and the proceedings of the 2nd respondent herein relating to the Check Memo dated 13.05.2014 and quash the same and consequently, direct the 2nd respondent herein to forthwith receive and register the sale deed dat. 13.05.2014 in respect of Survey Nos.74/1, 74/2 and 74/3 of a total extent of 7 ½ cents, 4.96 acres and 73 cents respectfully in Seeval Saragu Village, Dindigul Taluk in favour of the petitioner and release the said document after registration.

For Petitioner : Mr.C.Mahadevan

For Respondents : Mr.K.Sathiyasingh,
Addl. Govt. Pleader.

ORDER

This Writ Petition has been filed challenging the Check Memo issued by the second respondent dated 13.05.2014, wherein the petitioner has been directed to get the No Objection Certificate from the temple authorities in order to entertain the sale deed presented for registration.

2. Heard Mr.C.Mahadeven, learned counsel appearing on behalf of the petitioner and Mr.K.Sathiyasingh, learned Additional Government Pleader appearing on behalf of the respondents.



3. The issue involved in the present Writ Petition is squarely covered by 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 in Paragraph 25 of the said order 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."

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4. In view of the above, if the document has not already been registered, the second respondent shall comply with the direction of the Division Bench and deal with the document accordingly.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (crl)

// 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.

Vsm

To

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai - 600 004.

2.The Sub Registrar,
Office of the Sub Registrar,
Chinnalapatti.

+1 CC to M/s.AGP (SR-16704[F] dated 20/04/2021)

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-16855[F] dated 21/04/2021)

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