



W.P.(MD)No.18128 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18128 of 2022

F.Fareetha Begam

... Petitioner

Vs

The Sub Registrar,
Thuckalay Sub Registrar Office,
Thuckalay, Thuckalay Post,
Kalkulam Taluk,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to receive the document submit by the petitioner for registration in Re.S.No. C9/8/9 Padmanabhapuram B Village, Kalkulam Taluk, Kanyakumari District and to verify the relevant documents and to registering the document.

For Petitioner : Mr.K.Sathiya Singh

For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

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Heard the learned counsel on either side.

2. The petitioner wants to alienate the petition mentioned land. When the document was presented for registration before the respondent, the respondent declined to entertain the same on the ground that in the guideline value register, the land in question had been shown as temple land.

3. The Hon'ble Division Bench in W.P.Nos.30589 of 2013, dated 05.04.2017, had issued 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



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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.”

4. The respondent will bear the aforesaid directions in mind and hold an enquiry and dispose of the same on merits and in accordance with law.

5. The Writ Petition is disposed of accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Thuckalay Sub Registrar Office,
Thuckalay, Thuckalay Post,
Kalkulam Taluk,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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