



W.P.(MD)No.4267 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4267 of 2021

S.Venkatesh

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar of Registration,
Thamaraipatti at Chittampatti, Madurai.

2.Arulmighu Kallalazhar Thirukovil,
through its Executive Officer,
Alagarkoil, Madurai District.

3.Dinakaran

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to return the registered sale deed dated 12.06.2018 standing in the name of the petitioner in respect of plot No.165, NSC Bose Garden in S.No.65/1B, Madurai East Taluk pending in Thamaraipatti/67/2018.

For Petitioner : Mr.K.Muthuramalingam

For R1 : Mr.A.K.Manikkam
Special Government Pleader

For R2 : Mr.S.Manohar

For R3 : No Appearance



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ORDER

This writ petition has been filed for the issue of writ of mandamus directing the first respondent to register the sale deed presented for registration by the petitioner with respect to the subject property within the time frame fixed by this Court.

2.The case of the petitioner is that he decided to purchase a plot from the third respondent and the third respondent executed the sale deed dated 12.06.2018 in favour of the petitioner. When this document was presented for registration before the first respondent, it was kept as a pending document and it was not registered and released to the petitioner. It is under this circumstance, the present writ petition has been filed before this Court.

3.The learned Special Government Pleader appearing on behalf of the first respondent submitted that objections were raised by the second respondent and therefore, the sale deed was kept as a pending document.

4.The learned counsel appearing on behalf of the second respondent temple submitted that the property belongs to the temple and therefore, the



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petitioner cannot be allowed to deal with this property and sale deed cannot be registered in favour of the petitioner.

5.The learned counsel for the third respondent submitted that he has already returned back the bundle to the third respondent and he is no longer appearing on behalf of the third respondent.

6.The issue involved in this present writ petition is squarely covered by the order passed by the Division Bench of this Court in ***Sudha Ravi Kumar and another Vs, The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and others*** reported in 2017 (3) CTC 135. The relevant portion of that 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.



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(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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7. In view of the above, the first respondent has to follow the above directions issued by the Division Bench of this Court and take a decision with regard to the registration of the sale deed in favour of the petitioner. This process shall be completed by the first respondent within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of in the above terms. No costs.

12.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

The Sub Registrar,
Office of the Sub Registrar of Registration,
Thamaraipatti at Chittampatti, Madurai.



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N.ANAND VENKATESH, J.

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