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W.P.(MD)NO.6033 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 01.03.2023

PRONOUNCED ON : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6033 of 2021 AND
W.M.P.(MD)No.4714 of 2021

K.Dhanalakshmi (Died)

K.Sridhar

(Petitioner is substituted vide Order dated 28.07.2022
in W.M.P.(MD)No.11254 of 2022)

... Petitioner

Vs.

1. The District Registrar,
Tiruchirappalli.

2. The Sub Registrar,
Srirengam, Tiruchirappalli.

3. The Joint Commissioner,
Arulmighu Renganathaswami Thirukovil,
Srirengam, Tiruchirappalli – 6.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of 1st respondent in Na.Ka. No.8860/Aa1/2019 dated 12.03.2020 thereby upholding the order of 2nd respondent in Na.Ka.No.404/2019 dated 9.7.2019 and quash the same



and consequently direct the 2nd respondent to register the petitioner's memorandum of deposit of title deed dated 8.5.2018 executed by her in favour of Indian Bank, Srirengam Branch, Trichy, infurtherance of the petitioner's payment dated 27.8.2018 in receipt No.7615/2018.

For Petitioner : Mr.R.S.Sivaram

For R-1 & R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-3 : Mr.M.Saravanan

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner filed W.P.(MD)No.24202 of 2018 for directing the Sub Registrar, Srirengam, Tiruchirappalli, to conduct enquiry in respect of her pending document No.P/Srirengam/18/2018. The writ petition was disposed of vide order dated 07.02.2019 with a direction to the registering authority to conduct and conclude the enquiry within a period of four weeks. Without putting the petitioner on notice, rejection order was passed on 20.03.2019. That led to the filing of CONT.P(MD)No.565 of 2019. The rejection order dated 20.03.2019 was



recalled and it was undertaken that an order afresh shall be passed after hearing both the parties. Thereafter, enquiry was conducted. The petitioner was heard. Rejection order dated 09.07.2019 was passed declining to register the petitioner's document. Challenging the same, the petitioner filed appeal before the District Registrar(Administration). The District Registrar also declined to interfere with the decision of the registering authority. Proceedings dated 12.03.2020 were passed to that effect. Aggrieved by the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned orders and grant relief as prayed for.

4. The learned counsel appearing for the writ petitioner submitted that the petitioner had purchased the property way back on 01.04.1972 under a registered sale deed (document No.549 / 1972). The petitioner is in possession of the same. The petitioner had to desperately raise funds by mortgaging the property. In view of the non-registration of the mortgage document in question, the petitioner could not raise funds. The



learned counsel appearing for the petitioner submitted that the refusal on the part of the registering authority is illegal.

5. The contesting respondent / temple filed counter affidavit and the learned counsel contended that the property belongs to the temple and that the petitioner cannot enter into any transaction pertaining to the property.

6. I am not in a position to go into the merits of the matter. W.P. (MD)No.24202 of 2018 filed by the petitioner was disposed of in the light of the decision of the Hon'ble Division Bench reported in 2017 (3) CTC 135. Direction No.(iii) is as follows:-

“ (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.”



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7. It can be seen therefrom that if the registering authority refuses to register the document by citing serious objection raised by the temple, the aggrieved party will have to go before the civil Court for declaration of title. In this case, the petitioner's title is questioned by the temple. The writ Court cannot go into this disputed fact. Therefore, I am not in a position to interfere with the impugned rejection order. The petitioner is at liberty to file a civil suit. The impugned order will abide by the outcome of the civil suit. The contentions of both the parties are left open.

8. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1. The District Registrar,
Tiruchirappalli.
2. The Sub Registrar,
Srirengam, Tiruchirappalli.



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G.R.SWAMINATHAN,J.

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