



W.P(MD)No.4677 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4677 of 2023

B.Suganthi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Board,
Madurai District.

3.The Executive Officer /
Assistant Commissioner,
Arulmigu Subramania Swamy Thirukovil,
Thiruparankundram,
Madurai.

4.The Tahsildar,
Thiruparankundram Taluk,
Madurai.

5.The Sub Registrar,
Thiruparankundram,
Madurai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fifth respondent to act accordingly in registering any documents pertaining to the land belonging to the petitioner in R.S.No.7/1 of Thiruparankundram Village, Madurai, after availing detailed report over the said property as to how the third respondent is claiming the rights over the property within, the time frame fixed by this Court.

For Petitioner : Mr.M.Gururaj

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1, R.4 & R.5

Mr.R.Ragavendran
Government Advocate for R.2

ORDER

Heard the learned counsel on either side.

2.The petitioner wants to sell the petition mentioned land in favour of third party. However, some difficulties has been experienced on the previous occasions. The authorities appear to take the stand that the land belongs to a temple. The Hon'ble Division Bench of this Court in a decision reported in *(Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner and others)* reported in **2017 (3) CTC 135** has laid down the manner in which such situation has been dealt with. Paragraph No.25 of the said decision reads as follows:



“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



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4. The Sub Registrar,
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G.R.SWAMINATHAN, J.

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