



W.P(MD)No.7484 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7484 of 2021

and

W.M.P(MD) No.5649 of 2021

Siddiq Ali

... Petitioner

Vs.

1.The District Registrar
District Registrar Office,
Trichy.

2.The Sub Registrar
Sub Registrar Officer,
Thuvarankurichi,
Trichy District.

3.Arulmigu Gurunathaswamy Angala Parameswari Thirukkivil,
Rep. by its Thakkar/executive Officer,
Thuvarankurichi,
Marangapuri Taluk,
Trichy District.

4.Abdul Gani

... Respondents



W.P(MD)No.7484 of 2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Refusal Check Slip issued by the second respondent in refusal Number RFL/Thuvarankurichi/5/2021, dated 29.03.2021 and quash the same and direct the second respondent to register the sale deed dated 29.03.2021 presented by the petitioner in respect of S.No.240/1 of Thuvarankurichi Village, Marungapuri Taluk, Trichy District.

For Petitioner : Mr.M.Saravanan,
for Mr.R.Subramanian

For Respondents : Mr.N.Sathees Kumar - for R1 & R2
Additional Government Pleader
Mr.AN.Ramanathan - for R3
Mr.R.Pon Karthikeyan - for R4

ORDER

Heard the learned counsel appearing on either side

2. The petitioner presented the petition mentioned document for registration. The registering authority declined to entertain the same



W.P(MD)No.7484 of 2021

and instead, issued the impugned refusal slip. The reason for issuing the same is that according to the Registering Authority the land appears to be belong to a Temple. Challenging the stand of the Registering Authority, the present writ petition came to be filed.

3. The learned counsel appearing for the third respondent sought time to file counter. However, I am inclined to dispose of the matter by following the approach laid down by the Hon'ble Division Bench of this Court in **Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, H.R & C.E. Department** reported in **2017 (3) CTC 135**. The Hon'ble Division Bench decision held as follows:

"24. But this observation of ours shall not be construed that it is our conclusion that ryotwari patta issued to the ryot concerned is the final adjudication relating to the title for the property. We wish to clarify that the final adjudication regarding the title to the property can be had only before a Civil Court. We only say that at the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering



WEB COPY



W.P(MD)No.7484 of 2021

authority shall issue notice afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious institution or given or endowed to the religious institution, then, he shall refuse to register such deed.

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



W.P(MD)No.7484 of 2021

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".

4. The petitioner is permitted to re-present the documents in question. Thereupon the Registering Authority shall follow the procedure



W.P(MD)No.7484 of 2021

as laid down by the Hon'ble Division Bench as mentioned above.

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5. The writ petition is disposed of, accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

01.03.2023

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

RM

To:

1.The District Registrar
District Registrar Office,
Trichy.

2.The Sub Registrar
Sub Registrar Officer,
Thuvarankurichi,
Trichy District.



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W.P(MD)No.7484 of 2021

G.R.SWAMINATHAN, J.

RM

W.P(MD)No.7484 of 2021

01.03.2023