



W.P(MD)No.24998 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24998 of 2023

Valli

... Petitioner

Vs.

1.The Sub Registrar,
Sankarankovil,
Tenkasi District.

2.The Joint Commissioner,
HR & CE Department,
Tuticorin.

3.The Assistant Commissioner /
Executive Officer,
Arulmigu Sangaranarayanamsamy Temple,
Sankarankovil,
Tenkasi District.

***(R.3 is suo motu impleaded vide
order of this Court dated 16.10.2023)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for
the records of the impugned refusal check slip No.



W.P(MD)No.24998 of 2023

RFL/Sankarankovil/41/2023 dated 14.08.2023 on the file of the first respondent, quash the same and consequently directing the first respondent to register the document No.TP/157431498/2023 within the time stipulated by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1

Mr.N.Ramesh Arumugam
Government Advocate for R.2

Mr.VR.Shanmuganathan for R.3

ORDER

Heard both sides.

2. The petitioner presented sale deed dated 14.08.2023 for registration before the first respondent. The first respondent declined to entertain the document. The first respondent felt that the property covered by the sale deed belongs to HR & CE Department. To that effect, the impugned refusal check slip was issued. Questioning the same, the present writ petition came to be filed.



W.P(MD)No.24998 of 2023

3. The learned counsel appearing for the petitioner contents that the first respondent did not follow the procedure laid down in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar and Ors. Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors.)**. The Hon'ble Division Bench held as follows:-

“26. 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 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."



W.P(MD)No.24998 of 2023

Since the first respondent did not follow such procedure, the impugned refusal check slip is quashed. The matter is remitted to the file of the first respondent to dispose of the matter as mentioned above.

4. The writ petition is disposed of accordingly. There shall be no order as to costs.

16.10.2023

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

MGA

To

- 1.The Sub Registrar,
Sankarankovil,
Tenkasi District.
- 2.The Joint Commissioner,
HR & CE Department,
Tuticorin.
- 3.The Assistant Commissioner /
Executive Officer,
Arulmigu Sangaranarayanamy Temple,
Sankarankovil,
Tenkasi District.



WEB COPY



W.P(MD)No.24998 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.24998 of 2023

16.10.2023