



W.P(MD)No.28706 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28706 of 2022

and

W.M.P.(MD)No.22697 of 2022

Shanmugam

... Petitioner

Vs.

The Sub Registrar,
Sinatharapuram Registration Office,
Karur, Karur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned refusal cheque slip issued by the respondent in refusal no. RFL/Chinnatharapuram/36/2022 dated 07.11.2022 and quash the same as illegal and consequently direct the respondent to entertain and register the deeds of conveyance in respect of the petitioner's property in Survey Nos.318, 319 and 323 Munanur Revenue Village, Pugalur Taluk, Karur District.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.N.Satheeskumar,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner wanted to sell the petition mentioned land in favour a private party. It was presented for registration before the respondent. The respondent declined to entertain the document and issued the impugned refusal check slip. Challenging the same, the present writ petition has been filed.

3.It is seen from the contents of the impugned refusal check slip that the property apparently belongs a temple and in view of Section 22A of the Registration Act, registration cannot be done.

4.The procedure to be adopted by the registering authority in such cases had already delineated by the Hon'ble Division Bench in the decision reported **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:-



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“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



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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."

5.The petitioner is permitted to re-present the document in question. The registering authority will adhere to the directions mentioned above.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2023

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

The Sub Registrar,
Sinatharapuram Registration Office,
Karur, Karur District.



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G.R.SWAMINATHAN, J.

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