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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.12.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.28400 of 2023**

T.Elayaperumal ... Petitioner

Vs.

1.The District Registrar,
District Registrars Office,
Thoothukudi.

2.The Sub Registrar,
Udangudi Sub Registrars Office,
Thoothukudi District.

3.M/s. Arulmigu Sundara Natchi Amman Temple,
Represented by its Thakkar,
Kuthiraimozhi Taluk,
Tiruchendur Taluk,
Thoothukudi District.

4.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Tuticorin,
Tuticorin District. ... Respondents



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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 relating to the impugned check slip order passed by the second respondent dated 29.09.2023 in RFL/Udangudi/53/2023 and quash the same and consequently direct the second respondent to forthwith register the release deed dated 29.09.2023 without insisting on production of any further documents within the time frame stipulated by this Court.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R.1 & R.2

Mr.N.Ramesh Arumugam
Government Advocate for R.3 & R.4

**ORDER**

Heard both sides.

2.The petitioner's sisters had executed a release deed in favour of the petitioner in respect of the petition mentioned property. It was presented for registration before the second respondent. Since the second respondent had been informed that the property in question belongs to the third respondent temple registration was refused and the impugned refusal check slip came to be issued.



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3. It is under challenge in this writ petition. As rightly pointed out by the learned counsel appearing for the petitioner, the second respondent had not kept in view directions issued by the Hon'ble Division Bench in the decision reported in ***2017 (3) CTC 135 (Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others).*** It 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.*



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*(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*



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*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."*

In this view of the matter, the impugned refusal check slip is quashed. The matter is remitted to the file of the first respondent. The first respondent will bear in mind the directions set out in the aforesaid decision and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

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

**01.12.2023**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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**G.R.SWAMINATHAN, J.**

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