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WP.No.19878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.19878 of 2024

K.S.Ramasamy

.. Petitioner

Versus

1. The Inspector General of Registration
No.100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalaipuram, Chennai – 600 028

2.The District Registrar
Registration Department
Trichy District Court Campus
Trichy

3.The Sub-Registrar
Srirangam Sub Registrar Office
Gandhi Road, Srirangam
Trichy District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, to call for the records to the impugned order for the refusal of the Registration endorsement RFL/Srirangam/11/2024 dated 28.02.224, issued by 3rd respondent and quash the same and consequently direct the 3rd respondent to register the document presented on 26.02.2024, vide Document No. REG202402260575004 and release the same.

For Petitioner : M/s.Thenmozhi Shivaperumal

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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Challenge has been made to the refusal slip issued by the third respondent refusing to register the Power of Attorney dated 26.02.2024 on the ground that the land belong to the Government Land/Boomi Land/Wakf, quash the same and a direction to register the same.

2. Heard both sides and perused the materials placed on record.

3. It is the contention of the learned counsel for the petitioner that the property all along has been a separate property. The petitioner's grandfather had purchased the property from one Renganayakiammal vide sale deed dated 17.11.1945 and the petitioner was put to enjoyment from 01.02.1998. All the revenue records stands in the name of the petitioner. When the petitioner presented the General Power of Attorney in the name of his son on 26.02.2024, at this stage, the document is refused to be registered. Hence this writ petition.

4. Since, the impugned order is against the very settled position of law, no counter is required. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.



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5. It is relevant to note that the Division Bench of this Court in the case of *Sudha Ravikumar v The Special Commissioner* reported in AIR 2017 Mad 203, held as follows:

“the registering authority is not bestowed with any quasi-judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial.”

6. Following the same, this Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai***, has held as follows:

20. It is relevant to note that many registration has been refused citing Section 22-A on the only ground that some requests are made by Hindu Religious and Charitable Endowments Board or the Waqf Board. It is relevant to note that the Division Bench of this Court in the case of Sudha Ravikumar v The Special Commissioner reported in AIR



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2017 Mad 203, wherein, it is held as follows:

“the registering authority is not bestowed with any quasi-judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial.”

21. Similarly, this Court in the case of *D. Kalaiyarasan v Inspector General* reported in (2018 SCC Online Mad 7224), it was held that unless and until the authority has clinching materials to show that the property belonged to the religious institution, the registration cannot be refused. Also, this Court in the case of *G. Rajasulochana v Inspector General* made in W.P 29706 of 2024 dated 16.04.2024, it was observed as under:

“If there is a serious dispute on the title to the land, such questions cannot be decided by the Registrar at the stage of registering a document since he is only conducting a limited summary enquiry.”

22. Therefore, this Court is of the view that merely on the basis of some letters without production of title deed clinchingly establish the title of the Waqf Board and



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religious institutions mere citing some objections in the form of letters, document cannot be refused to be registered.

7. Considering the above, as the title and possession is in favour of the petitioner's grandfather from 1945 and petitioner from 1998, the refusal slip refusing to register on the ground that it is a temple property cannot be sustained in the eye of law. Therefore, the refusal slip issued by the third respondent refusing to register the power of attorney dated 26.02.2024 is set aside. The third respondent is directed to register the document dated 26.02.2024 and it is upto the HR & CE Departmen/Government to establish the title in an appropriate manner. If the title is established, the property can be retrieved at any time. Mere registration in favour of the third parties is not a bar for retrieving the property, provided, the title is conclusively established in an appropriate manner and not by giving just a letter to the registration authorities.

8. With the above directions, this writ petition stands allowed. No costs.

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: Yes/No



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N. SATHISH KUMAR, J.

dhk

To,

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