



WEB COPY



W.P. No. 28102 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.28102 of 2024

1.Easwaran
2.Loganathan

..Petitioner

Vs.

The Sub-Registrar
Registration Department
Palladam
Tiruppur District

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check slip bearing No.RFL/Palladam/16/2024 dated 27.3.2024 on the file of the respondent herein quash the same and consequently direct the respondent herein to register the Exchange deed dated 27.3.2024 presented by the petitioners within a stipulated time fixed by this Court.

For Petitioner

:Mr.K.Govi Ganesan

For Respondent

: Mrr.M.Shahjahan
Special Government Pleader



W.P. No. 28102 of 2024.

ORDER

WEB COPY

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned refusal slip issued by the respondent refusing to register the exchange deed presented for registration on the ground that the property covered by the exchange deed was a "Panjami" land as per the letter sent by the Tahsildar, the petitioner has come before this Court by way of this writ petition.

3. It is the case of the petitioner that subject matter of the exchange deed was allotted to the petitioners 1 and 2 in a compromise deed passed in O.S.No.35 of 2018 on the file of District Munsif Court, Palladam and they decided to exchange the properties allotted to them under the decree and executed exchange deed on 27.03.2024. When the said exchange deed presented for registration before the respondent, the same was refused by the respondent on the ground that the Tahsildar has sent a letter informing him

2/7



that the subject matter of the exchange deed was classified as a "Panjami" land.

WEB COPY

4. The learned counsel for the petitioner, by relying on the decision of Division Bench of this Court in the case of ***Sudha Ravi Kumaar Vs The Special Commissioner, HR & CE Department, Chennai-34*** reported in ***2017 SCC OnLine Mad 19191***, submitted that even without conducting any preliminary enquiry as directed by the Division Bench, the impugned order was passed and hence, the same is liable to be set aside.

5. The learned Special Government Pleader, who is taking notice for the respondent, submits that respondent received a letter from Tahsildar, Palladam informing him that the subject matter was classified as "Panjami" land. Therefore, the respondent rightly refused registration.

6. The Division Bench of this Court, in the case of ***Sudha Ravi Kumaar case*** cited supra, issued certain guidelines to registering authority with regard to the manner in which objections under Section 22-A of Registration Act shall be entertained. The relevant observations of the Division Bench of this Court



reads 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."

7. Therefore, it is clear that whenever the objection is raised by the competent authority on the ground that property covered by the document presented for registration is belonging to any one of the authorities mentioned under Section 22-A of Registration Act, it is for the registering authority to conduct preliminary enquiry by affording reasonable opportunity to presentant and the objector. In the case on hand, admittedly, no preliminary enquiry was conducted by the respondent and the impugned refusal slip was passed without hearing the petitioner. Therefore, the same is set aside and the writ petition stands allowed. The respondent is directed to conduct enquiry as directed by the Division Bench of this Court in ***Sudha Ravi Kumar case*** cited above by issuing notice to the petitioner and the objector and pass final orders on its'



W.P. No. 28102 of 2024.

own merits within a period of four weeks from the date of receipt of copy of this order.

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

25.09.2024

(1/2)

Index : Yes/No
Neutral Citation : Yes/No
nr

To

The Sub-Registrar
Registration Department
Palladam
Tiruppur District

S.SOUNTHAR, J.

6/7



WEB COPY



W.P. No. 28102 of 2024.

nr

W.P. No.28102 of 2024

25.09.2024