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W.P.No.27646 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

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**THE HONOURABLE MR. JUSTICE S. SOUNTHAR**

W.P No.27646 of 2024

A.Selvarani

...Petitioner

Vs.

The Sub-Registrar,  
Thirunavalur,  
Cuddalore District.

...Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the order made in Na.Ka.No.74/2024 dated 26.04.2024 on the file of the respondent herein and quash the same and consequently direct the respondent to register the pending document No.21/2023.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.M.Shahjahan  
Special Government Pleader



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**ORDER**

Aggrieved by the impugned order passed by the second respondent refusing to register the document presented by the petitioner on the ground that the subject property belongs to Sri Varatharaja Perumal Temple, the petitioner has come up by way of this writ petition.

2. A perusal of the impugned order would indicate the subject property was endowed in favour of the temple under a registered document bearing No.797/1932 and therefore, the respondent passed the impugned order refusing registration of the document presented by the petitioner.

3. A Division Bench of this Court in ***Sudha Ravi Kumar and others vs. The Special Commissioner, Hindu Religious and Charitable Endowments Department and others*** made in ***W.P.No.30589 of 2013*** batch, ***dated 05.04.2017***, issued certain guidelines to the registering authorities as to how the objections from religious institution, claiming right over subject property in respect of which a document is presented for registration shall be considered. The relevant observation reads as follows:-



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"24. But this observation of ours shall not be construed that it is our conclusion that ryotwari patta issued to the ryot concerned is the final adjudication relating to the title for the property. We wish to clarify that the final adjudication regarding the title to the property can be had only before a Civil Court. We only say that at the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering authority shall issue notice afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious institution or given or endowed to the religious institution, then, he shall refuse to register such deed.

25. 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



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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 straight away 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 petitioners are closed. No costs."

4. As per the directions issued by the Division Bench in the decision referred to above, the respondent herein conducted an enquiry and passed the impugned order refusing the registration. As against the impugned order, the petitioner can very well file statutory appeal before the jurisdictional District Registrar. Likewise, as against the order passed by the appellate authority, the petitioner is entitled to file statutory suit before Civil Court. In view of the availability of alternative remedy of appeal and statutory suit before regular



Civil Court, this Court is not inclined to entertain this writ petition.

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5. Accordingly, this writ petition is dismissed with liberty to approach the appellate authority as per the decision in *Sudha Ravi Kumar's case*. No costs.

**23.09.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
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To

The Sub-Registrar,  
Thirunavalur,  
Cuddalore District.



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**S. SOUNTHAR, J.**

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