



W.P(MD)No.1398 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.1398 of 2024

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... Petitioner

Vs

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Tenkasi District,
Tenkasi.

3.The Sub-Registrar,
Sankarankoil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent to register the sale deed in respect of Survey No.543/2 to an extent of 25 cents of Panjami land situated at Paattathur Colony, Sankarankoil Kaspas, Sankarankovil Taluk, Tenkasi District on the basis of the petitioner's representation dated 01.12.2023.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.M.Sarangan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for a direction, directing the third respondent to register the sale deed in respect of Survey No.543/2 to an extent of 25 cents of Panjami land situated at Paattathur Colony, Sankarankoil Kaspas, Sankarankovil Taluk, Tenkasi District on the basis of the petitioner's representation dated 01.12.2023.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The subject property was objected for registration on the ground that the subject property is a Panchami land. Therefore, there is an impediment under Section 22-A of the Registration Act, 1908 for the third respondent to register the document.

4. This issue had already been dealt with by the Hon'ble Division Bench of this Court in ***Sudha Ravi Kumar and another Vs. The Special Commissioner & Commissioner and others*** reported in ***2017 (3) CTC 135*** and in the batch of Writ Petitions, the Hon'ble Division Bench issued the following directions:



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'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 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.



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(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.'*

5. In view of the above, the third respondent is directed to conduct an enquiry, after issuing notice to all the parties concerned, as directed by the Hon'ble Division Bench of this Court, and dispose of the same on merits and in accordance with law, as expeditiously as possible.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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100, Santhome High Road,
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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