



WEB COPY



W.P(MD)No.1001 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.1001 of 2024

Quick Silver Health Care (LLP),
Door No.262, PKM Nagar,
Vandiyur II Bit Village,
Madurai North Taluk,
Madurai District,
Represented by its Partner.

... Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Ellis Nagar,
Madurai.

2.The Sub Registrar,
Karuppayurani Sub Registration Office,
Madurai.

3.Arulmigu Kallalagar Devasthanam,
Alagarkoil,
Through its Deputy Commissioner/
Executive Officer.

... Respondents

(R - 3 is impleaded vide order dated 07.11.2024
made in W.M.P(MD)No.4794 of 2024)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent herein from in any manner, refusing to register any document to be presented by the petitioner, represented by its partners in respect of Survey No.262/2B UDR Survey No.114/2B



W.P(MD)No.1001 of 2024

measuring 12 cents, situated in Door No.262, PKM Nagar, Vandiyur II Bit Village, Madurai North Taluk, Madurai District and consequently forbearing the first respondent, his subordinate officers from in any manner making objection of any nature in contravention of Section 22-A of the Registration Act.

For Petitioner : Mr.V.Janakiramulu
For RR 1 & 2 : Mr.M.Sarangan
Additional Government Pleader
For R – 3 : Mr.S.Manohar

ORDER

This Writ Petition has been filed to forbear the second respondent herein from in any manner, refusing to register any document to be presented by the petitioner, represented by its partners in respect of Survey No.262/2B UDR Survey No.114/2B measuring 12 cents, situated in Door No.262, PKM Nagar, Vandiyur II Bit Village, Madurai North Taluk, Madurai District and consequently forbearing the first respondent, his subordinate officers from in any manner making objection of any nature in contravention of Section 22-A of the Registration Act.

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



W.P(MD)No.1001 of 2024

WEB COPY

3.The first respondent raised objections for registering the document to deal with the subject property on the ground that they are disputing title over the property. Therefore, there is an impediment under Section 22-A of the Registration Act, 1908 for the second 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:

'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.



WEB COPY



W.P(MD)No.1001 of 2024

(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.'



W.P(MD)No.1001 of 2024

5.In view of the above, the second 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
(1/2)**

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

To

1.The Joint Commissioner,
Hindu Religious & Charitable Endowment,
Ellis Nagar,
Madurai.

2.The Sub Registrar,
Karuppayurani Sub Registration Office,
Madurai.

3.Executive Officer,
Deputy Commissioner,
Arulmigu Kallalagar Devasthanam,
Alagarkoil.



WEB COPY



W.P(MD)No.1001 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.1001 of 2024

07.11.2024
(1/2)