



W.P(MD)No.2419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.2419 of 2024

Namachivayam

... Petitioner

Vs

1.The District Registrar,
Registration Department,
Pudukkottai District.

2.The Sub Registrar,
Gandharvakottai Sub Registrar Office,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the second respondent in his Refusal Number RFL/Gandharvakkottai/62/2023 dated 11.12.2023 and quash the same and direct the second respondent to register the sale deed dated 11.12.2023 presented by the petitioner in respect of properties in SF.Nos.114/3C1 and 114/3B situate at Kovilur Village, Gandharvakkottai Taluk, Pudukkottai District.

For Petitioner : Mr.A.Arul Jenifer
for M/s.KBS Law Office

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



W.P(MD)No.2419 of 2024

ORDER

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This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the second respondent dated 11.12.2023, thereby refusing to register the sale deed dated 11.12.2023 in respect of the property comprised in SF.Nos.114/3C1 and 114/3B situated at Kovilur Village, Gandharvakkottai Taluk, Pudukkottai District.

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

3.The property comprised in SF.Nos.114/3C1 and 114/3B situated at Kovilur Village, Gandharvakkottai Taluk, Pudukkottai District to an extent of 21 acres was purchased by the petitioner along with one Naganathan by the registered sale deed dated 22.01.2013 vide Document No.150 of 2013 from the legal heirs of one Vadivelu. Thereafter 11 acres of the subject property were allotted in favour of the petitioner. That apart, the petitioner had purchased another property to an extent of 25 cents in S.F.No. 114/3B situated at Gandharvakkottai Village by the registered sale



W.P(MD)No.2419 of 2024

deed dated 13.08.2015 vide Document No.2265 of 2015 from one Appavu. Thereafter, the petitioner was issued patta No.3025 for S.F.No.114/3B and patta No.2279 for S.F.No.114/3C1 and other revenue records were mutated in the name of the petitioner. Thereafter, the petitioner had executed a sale deed in respect of the subject property in favour of a third party and presented for registration. It was refused to register on the ground that the subject property belongs to Arulmighu Arimalam Vairavan Chettiyar Annathana Chathiram, Kovilur, Gandharvakottai Taluk, Pudukkottai District.

4.On written instructions, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents would submit that the Assistant Commissioner of HR & CE Department, Pudukkottai vide communication dated 13.11.2018, raised objections to register any deed in respect of the subject property since it belongs to Arulmighu Arimalam Vairavan Chettiyar Annathana Chathiram, Kovilur, Gandharvakottai Taluk, Pudukkottai District. On the objections, the second respondent refused to register the sale deed which was presented for registration.



W.P(MD)No.2419 of 2024

5.The Assistant Commissioner, HR & CE raised objections without any proof of documents to show that the said Arulmighu Arimalam Vairavan Chettiyar Annathana Chathiram had title over the property. 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.

(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



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W.P(MD)No.2419 of 2024

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.'

6. In view of the above, the impugned check slip issued by the second respondent, dated 11.12.2023 cannot be sustained and the same is liable to be quashed.



W.P(MD)No.2419 of 2024

7. Accordingly, the impugned check slip issued by the second respondent, dated 11.12.2023 is quashed. The petitioner is directed to represent the sale deed before the second respondent for registration. On receipt of the same, 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.

8. With the above directions, this Writ Petition is allowed.
There shall be no order as to costs.

29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P(MD)No.2419 of 2024

To

- 1.The District Registrar,
Registration Department,
Pudukkottai District.
- 2.The Sub Registrar,
Gandharvakottai Sub Registrar Office,
Pudukkottai District.



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W.P(MD)No.2419 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
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