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W.P.(MD)NO.5976 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5976 of 2024

N.Nalluchamy

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Palani, Dindigul District.
2. The Sub Registrar,
Vedachandur Sub Registrar Office,
Dindigul District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.
4. The Revenue Divisional Officer,
Revenue Divisional Office,
Palani, Dindigul District.
5. The Tahsildar,
Vedachandur Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the refusal check slip in refusal No.RFL/Vedasanthur/130/2023 dated 21.09.2023 of the second



respondent and directing the second respondent to register the settlement deed dated 21.09.2023 which is presented for registration on 21.09.2023 in respect of the petitioner's land in survey No.556 situated at Nathapatti Village, Vedachandur Taluk, Dindigul District.

For Petitioner : Mr.H.Arumugam,
for Mr.Aravindraj.
For R-1,R-2,
R-4&R-5 : Mr.M.Senthil Ayyanar,
Government Advocate.
For R-3 : Mr.B.Saravanan,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The document presented by the petitioner was refused registration by citing the objection received from the HR&CE Department. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner points out that the procedure laid down by the Hon'ble Division Bench in Sudha Ravi Kumar case has not been followed.



4. In this view of the matter, the impugned refusal check slip is set aside. The petitioner is permitted to re-present the document. The Hon'ble Division Bench in the decision reported in **2017 (2) CWC 44 (Sudha Ravi Kumar and Ors. Vs. The Special Commissioner)** had laid down 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



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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.



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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." "

5. The second respondent is directed to adhere to the aforesaid directions and take a call. I make it clear that I have not gone into the merits of the matter. This writ petition stands disposed of accordingly. No costs.

13.03.2024

Index : Yes / No
Internet : Yes/ No
PMU

To:

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Registration Department, Palani, Dindigul District.
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Vedachandur Sub Registrar Office, Dindigul District.
3. The Assistant Commissioner,
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5. The Tahsildar,



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Vedachandur Taluk, Dindigul District.

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G.R.SWAMINATHAN,J.

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