



W.P(MD)No.7279 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 14.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**W.P(MD)No.7279 of 2023**

Duraipandian

... Petitioner

Vs.

1.The District Registrar (Administration),  
Tenkasi Registration District,  
Tenkasi.

2.The Sub Registrar,  
Vasudevanallur Sub Registrar Office,  
Tenkasi Registration District.

3.The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Tirunelveli – 2.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his proceedings in Na.Ka.No. 198/Sa.Pa./Vasu/2012 dated 16.02.2023 and quash the same as illegal, arbitrary, violation of law and further direct the second respondent to register a Sale Deed P41/2012 dated 15.10.2012 and release the same within a time stipulated by this Court.



W.P(MD)No.7279 of 2023

For Petitioner : Mr.M.Jothi Basu  
For Respondents : Mr.D.Safiq Raja  
Additional Government Pleader  
for R.1 & R.2

### **ORDER**

This Writ Petition has been filed challenging the order passed by the second respondent dated 16.02.2023 thereby refused to register the sale deed which was presented for registration and keep it as pending Document No.P41/2012.

2.The property comprised in Survey No.858/4 situated at Thirumalapuram Village, Vasudevanallur Sub Registrar, Tenkasi District belongs to one Palanivel to an extent of 2 acres 17 cents (Patta No.870). After his demise, his legal heirs, namely, Palanikumar along with his son executed a power of attorney in favour of Pandiduraiachi vide registered Doc.No.106/2007. In the meanwhile, a complaint was filed alleging that the subject property belongs to Palani Vinayagar Temple. On the said complaint, the Revenue Divisional Officer conducted a detailed enquiry and concluded that the property comprised in Survey No.850/4 does not belong to the Temple. Thereafter, power of attorney had



W.P(MD)No.7279 of 2023

executed a sale deed in favour of one Kalimuthu Pandian and the same was registered in Document No.637/2002. From the said Kalimuthu Pandian, the petitioner had purchased the property to an extent of 10 cents comprised in Survey No.858/4 and presented for registration before the second respondent. After all the formalities are over, the said document was kept pending since the third respondent raised objections that the subject property belongs to Palani Vinayagar Temple. However, the third respondent failed to produce any document or proof to show that the subject property belongs to the Temple. Therefore, the petitioner filed W.P(MD)No.15387 of 2016 for direction directing the registering authority to register the pending document and release the same. However, the said writ petition was dismissed for non-prosecution on 20.01.2023. After the dismissal of the said writ petition, the impugned order dated 16.02.2023 came to be passed refusing registration. Challenging the same, this writ petition came to be filed.

3.The learned Special Government Pleader appearing for the second respondent would submit that the subject property stands in the name of Palani Vinayagar Temple. The revenue records that is preliminary report of the HR&CE Department dated 21.08.1976, Village



W.P(MD)No.7279 of 2023

Karnam Certificate for Fasli 1384, DR A-Register, Resurvey and Resettlement Register of Thirumalapuram Village would show that the subject property belongs to Arulmigu Palani Vinayagar Temple. Therefore, the learned Special Government Pleader called upon this Court to dismiss the writ petition.

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

5.If any objections raised by the Temple authority, there is a bar to register the document under Section 22A of the Registration Act. However, the registering authority has to conduct enquiry under Section 22A of the Act if any objections received from the Temple. This issue was dealt with by the Hon'ble Division Bench of this Court in W.P.No. 30589 of 2013 etc batch (Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others) dated 05.04.2017. The Hon'ble Division Bench had issued the following directions:

*“26. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:*



WEB COPY



W.P(MD)No.7279 of 2023

*"(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.*



W.P(MD)No.7279 of 2023

*(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 petitions are closed. No costs."*

6. Respectfully following the aforesaid decision, I quash the order impugned in this writ petition. The petitioner is directed to re-present the sale deed for registration and on receipt of the same, the second respondent shall issue notice to the third respondent and conduct enquiry as per the above guidelines issued by the Hon'ble Division Bench and pass orders on merits and in accordance with law within a period of eight weeks thereafter.



W.P(MD)No.7279 of 2023

7.This writ petition is allowed accordingly. There shall be no order  
as to costs.

**14.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
MGA

To

- 1.The District Registrar (Administration),  
Tenkasi Registration District,  
Tenkasi.
- 2.The Sub Registrar,  
Vasudevanallur Sub Registrar Office,  
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W.P(MD)No.7279 of 2023

**G.K.ILANTHIRAIYAN, J.**

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**W.P(MD)No.7279 of 2023**

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