



W.P.(MD)No.8749 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM:

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

W.P.(MD)No.8749 of 2023

Senthil Kumaran

... Petitioner

/Vs./

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.
- 2.The District Registrar,
Madurai North,
Madurai.
- 3.The Tahsildar,
Madurai North,
Madurai.
- 4.The Joint Commissioner,
Arulmighu Meenakshi Sundareshwarar Temple,
Madurai.
- 5.The Sub-Registrar,
District Registrar Cadre,
Tallakulam,
Madurai.



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6. Sooravali Subbaiyar Charities,
Rep. by its Chairman-cum-Managing Trustee,
No.19, Tamil Sangam Road,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the fifth respondent made in No.RFL/jy;yhFsk;/7/2022 dated 08.12.2022 and quash the same as illegal, consequently direct the respondent to register the Memorandum of Deposit of Title Deeds dated 08.12.2022 presented for registration on 08.12.2022 executed in favour of LIC Housing Finance Ltd., Area Office at No.5C/12, Channel Road, Melur-625 106, in respect of the housing measuring to an extent of 1725 sq.feet comprised in Survey No.134/1, Plot No.23 situated at Kavitha Nagar, Karpaga Nagar 9th Street Extension, K.Pudur, Madurai-625 007 within a time frame after removing the entries in the footnote of the index.

For Petitioner : Mr.T.Lenin Kumar

For R1 to R3 & R5 : Mr.S.P.Maharajan

Special Government Pleader

For R4 & R6 : Mr.VR.Shanmuganathan



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the fifth respondent thereby refused to register the memorandum of deposit of title deeds, which was presented for registration on 08.12.2022 in respect of the property comprised in Survey No.134/1, Plot No.23 situated at Kavitha Nagar, Karpaga Nagar 9th Street Extension, K.Pudur, Madurai-625 007.

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

3. The property comprised in Survey No.134/1, Plot No.23 situated at Kavitha Nagar, Karpaga Nagar 9th Street Extension, K.Pudur, Madurai-625 007 belongs to the sixth respondent. The sixth respondent filed a suit in O.S.No.13 of 1932 before the II Additional Sub-Court, Madurai and also filed I.A.No.15 of 1984 seeking to grant sanction to sell the property in favour of the cultivating tenant. The sixth respondent was permitted to sell the subject property in favour of the cultivating



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tenant. Based on the said permission, the sixth respondent sell the property to one Santhanam on 18.04.1984. Thereafter, the said Santhanam converted the land into house plots and sold the Plot No.23 measuring to an extent of 1725 sq.ft in favour of one Pandiammal. In turn, she had sold out the said property to one Mariappan vide document No.2410/1991. Thereafter, he had sold out the said property in favour of the petitioner herein by the registered sale deed dated 28.09.2006 vide document No.3288/2006. Thereafter, the petitioner in order to construct a house applied for building plan approval before the Madurai City Municipal Corporation. He was granted approval to the building plan submitted by the petitioner and constructed a house by availing the loan from the LIC Housing Finance Ltd. At the time of availing loan, the petitioner mortgaged the subject property by deposit of title deeds on 08.12.2022 and executed the mortgage deed. It was presented for registration before the fifth respondent. In view of the objections raised by the Deputy Commissioner of Madurai Arulmighu Meenakshi Sundareswarar Thirukovil, it was refused to register by the fifth respondent.



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4. If any objections raised by the temple, the registering authority ought to have conduct an enquiry under Section 22-A of the Registration Act. Mere objection by way of letter won't be sufficient to refuse the registration of the documents. In this regard, the Hon'ble Division Bench of this Court in the case of ***Sudha Ravikumar v. The Special Commissioner*** reported in ***AIR 2017 Mad 203***, held as follows:-

"the registering authority is not bestowed with any quasi-judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial."

5. Admittedly, the fifth respondent did not conduct any enquiry and on receipt of the objections from the temple, mechanically refused to register the title deeds.

6. In view of the above, the petitioner is directed to re-present the Memorandum of Deposit of Title Deeds, dated 08.12.2022 for registration before the fifth respondent. On receipt of the same, the fifth



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respondent is directed to issue notice to the petitioner as well as the objectors, if any, and conduct an enquiry under Section 22-A of the Registration Act and pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to both parties, within a period of twelve weeks thereafter.

7. Accordingly, this writ petition is disposed of. No costs.

03.12.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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Dated:
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