



W.P(MD)No.18321 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.18321 of 2019

M.Chandrasekaran

... Petitioner

Vs

The Sub Registrar,
West Karur Sub Registration Office,
Karur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in check slip dated 08.08.2019 and quash the same as illegal and arbitrary and without jurisdiction and consequently directing the respondent to register the mortgage deed dated 08.08.2019 executed by the petitioner.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.M.Sarangan



W.P(MD)No.18321 of 2019

ORDER

WEB COPY

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the respondent dated 08.08.2019 thereby refusing to register the mortgage deed, dated 08.08.2019 executed by the petitioner and presented for registration.

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

3.The petitioner had purchased plot Nos.48, 55, 56, 70 and 80 comprised in Maruthi Garden Layout in S.F.No.833/1 situated at Thanthoni Village, Karur Taluk, Karur District by the registered sale deed dated 21.11.2011 from S.Ramesh and others. Thereafter, the petitioner, in order to avail loan, mortgaged the subject property by execution of a mortgage deed and presented for registration. However, it was refused to register on the ground that the subject property is classified as Temple land and in the name of Arulmighu Kalyana Venkatramana Swamy Temple. This issue has already been dealt with by the Hon'ble Division Bench of this Court in the case of



W.P(MD)No.18321 of 2019

Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others reported in **2017 (3) CTC 135**, wherein it is held as follows:

"26. 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 religious institution is to either approach this Court by way of a writ petition seeking cancellation of the



W.P(MD)No.18321 of 2019

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.

(vi) Consequently the connected miscellaneous petitions are closed. No costs."

4. In view of the above, the impugned refusal check slip issued by the respondent, dated 08.08.2019 cannot be sustained and is liable to be quashed. Accordingly, the impugned refusal check



W.P(MD)No.18321 of 2019

slip issued by the respondent, dated 08.08.2019 is hereby quashed.

The petitioner is directed to represent the mortgage deed for registration before the respondent. On receipt of the same, the respondent is directed to issue notice to the petitioner and the Temple authorities and conduct an enquiry, after giving an opportunity of hearing to the parties concerned and pass orders on merits and in accordance with law, within a period of eight weeks from the date of presentation of the said deed for registration.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

18.11.2024

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

To

The Sub Registrar,
West Karur Sub Registration Office,
Karur.



WEB COPY



W.P(MD)No.18321 of 2019

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.18321 of 2019

18.11.2024