



W.P.(MD) No.17670 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17670 of 2024

Sivalingam

.. Petitioner

Vs

- 1.The State represented by
The Secretary to Government,
Commercial Taxes & Registration Department,
Palayamkottai Registration District Tirunelveli,
Fort St. George, Chennai-600 009.
- 2.The District Registrar (Admn.),
Registration Department,
Tuticorin District,
Tuticorin.
- 3.The Sub Registrar,
Office of the Registrar,
Registration Department,
Ettayapuram,
Tuticorin District.
- 4.The Executive Officer,
Arulmigu Poovananadhaswamy Thirukoil,
Koilpatti, Tuticorin District-628 501.



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5.Dhanalakshmi

6.Rajendran

7.Revathi

8.Arunkumar

9.Vijayakumar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the third respondent herein to receive and register the sale deed dated 08.07.2024 in respect of RS No.84/1I, RS No.84/1M, K.Kumarettayapuram Village, Vilathikulam Panchayat Union, Ettayapuram Sub Division, Palayamkottai Registration District.

For Petitioner : Mr.D.Sivaraman

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 to R.3

Dr.C.Guhaseelarupan for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.



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2. After hearing the learned counsel on either side, this writ petition is disposed of in the following directions:

a) The petitioner is permitted to manually present the document in question before the third respondent.

b) The third respondent will follow the direction laid down by the Hon'ble Division Bench in the decision reported **2017 (3) CTC 135 (Sudha Ravi Kumar and Ors. Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors.)**. Direction set out therein are 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



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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.

(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



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authority shall not withhold the deed which has already been registered.

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

The registering authority will adhere to the direction mentioned above.

3.The learned counsel appearing for the petitioner states that he will present the document within seven days from the date of receipt of a copy of this order. The registering authority will complete the exercise within a period of three months thereafter.

4.This writ petition is disposed of accordingly. There shall be no order as to costs.

30.07.2024

Neutral Citation: Yes/No

Internet : Yes/No

Index : Yes/No

MGA

To

1.The Secretary to Government,
State of Tamil Nadu,
Commercial Taxes & Registration Department,
Palayamkottai Registration District Tirunelveli,



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Fort St. George, Chennai-600 009.

G.R.SWAMINATHAN, J.

MGA

2.The District Registrar (Admn.),
Registration Department,
Tuticorin District, Tuticorin.

3.The Sub Registrar,
Office of the Registrar, Registration Department,
Ettayapuram, Tuticorin District.

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