



W.P.(MD)No.26041 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM:

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

W.P.(MD)No.26041 of 2024

C.Saravanan

... Petitioner

/Vs./

1.The District Registrar,
Madurai North Registration District,
Madurai.

2.The Sub Registrar,
Karupayoorani Sub Registrar Office,
Madurai.

3.The Deputy Commissioner / Executive Officer,
Arulmigu Kallagar Thirukovil,
Alagarkovil,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings bearing Na.Ka.No. 155/2024 dated 16.10.2024 on the file of the 2nd respondent and quash the same and direct the 2nd respondent to release the petitioner's Document registered as pending Document No. P29-2024 dated 06.03.2024 on the file of the 2nd respondent.



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For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.S.P.Mahrajan (R1 & R2)
Special Government Pleader
Mr.S.Manohar (R3)

ORDER

This writ petition has been filed challenging the order dated 16.10.2024 passed by the second respondent, thereby refused to receive the sale deed.

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

3. The property comprised in R.S.No.161/1, measuring to an extent of 57 cents UDR S.No.31/1, measuring to an extent of 53 cents, plotted out plot no.4 measuring about 1823 sq.ft., was purchased by the petitioner from one Valasundari by the registered sale deed dated 04.07.2022 vide document No.3603/2022. The petitioner was also issued with patta. Thereafter, the petitioner has settled the property in favour of



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his wife and presented the same for registration before the second respondent. However, the second respondent refused to register the same on the ground that the third respondent raised objections to register any deed in respect of the subject property alleging that the subject property belongs to the third respondent temple.

4. On perusal of the impugned order, it is seen that the second respondent, on receipt of the objections raised by the third respondent, mechanically rejected the same, without conducting any enquiry and without even issuing any notice to the petitioner. It is relevant to extract the judgment of the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar vs. The Special Commissioner & Commissioner, Hindu Religious and Charitable Endowments Department, Chennai***, reported in ***2017 (3) CTC 134*** hereunder:-

“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



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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.

(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



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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.”

5. Thus, the second respondent ought to have conducted an enquiry under Section 22A of the Registration Act, 1908, if there is any objection. Accordingly, the impugned order dated 16.10.2024 passed by the second respondent cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 16.10.2024 passed by the second respondent is hereby quashed. The petitioner is directed to present the settlement deed for registration before the second respondent and on receipt of the same, the second respondent shall issue notice to the petitioner and the third respondent, conduct enquiry and pass orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner and the third respondent, in the light of the judgment of the Hon'ble Division Bench of this Court, in the case of ***Sudha Ravi Kumar vs. The Special Commissioner & Commissioner, Hindu Religious and Charitable Endowments Department, Chennai***, reported



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in **2017 (3) CTC 134**, within a period of four weeks from the date of presentation of the document for registration.

6. With the above direction, this writ petition is allowed. No costs.

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

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