



W.P (MD).No.25962 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

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

W.P (MD).No.25962 of 2024

T.Venkatesan

... Petitioner

Vs.

1.The District Registrar,
Trichirappalli District,
Cantonment, Trichirappalli.

2.The Sub-Registrar,
Mannachanallur Sub-Registrar's Office,
Trichirappalli District.

3.The Tamilnadu Wakf Board,
by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip passed by the second respondent herein dated 30.09.2024 in RFL/Mannachanallur/402/2024 and quash the same and consequently directing the second respondent to register the sale deed dated 08.08.2024 assigned with TP/196376503/2024 presented by the petitioner in accordance with law within the time frame fixed by this Court.



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For Petitioner : Mr.K.S.Kathiravan
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For F3 : No appearance

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 30.09.2024 thereby, refused to register the sale deed, dated 08.08.2024, which was presented for registration.

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

3. The property admeasuring an extent of 0.36.5 hectare comprised in S.F.No.58/15, situated at Samayapuram Village, Mannachanallur Taluk, Tirchirappalli District belongs to one Sebasthian. He had executed a portion of the said property admeasuring an extent of 3 cents comprised in S.F.No. 58/15 in favour of Irungalur Muthiyor Illam by a registered sale deed, dated 20.06.1978 vide document No.1371/1978. The remaining extent of the property was in exclusive possession and enjoyment of Sebasthian. He died on 03.06.2019 and the subject property devolved upon his legal heirs. They had sold out the subject property in favour of the petitioner and had executed a



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sale deed, dated 08.08.2024 and presented for registration. However, the third respondent raised an objection and the second respondent refused to register the same and issued the refusal check slip without issuing any notice to the petitioner and without conducting any enquiry.

4. Though notice served on the third respondent, no one appeared before this Court today either by person or through pleader.

5. Admittedly, the second respondent without conducting any enquiry and merely based on the objection received from the third respondent mechanically refused to register the sale deed. The second respondent ought to have conduct an enquiry as directed by the Hon'ble Division Bench of this Court with regard to the objection raised by the third respondent.

6. In this regard, the Hon'ble Division Bench of this Court in the case of Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others reported in 2017 (3) CTC 135 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



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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.

(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



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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.”

7. In view of the above, the impugned refusal check slip cannot be sustained and is liable to be quashed. Accordingly, the impugned refusal check slip dated 30.09.2024 is hereby quashed. The petitioner is directed to re-present the sale. On receipt of the same, the second respondent is directed to register the settlement deed presented by the petitioner by issuing notice to the petitioner and the third respondent and conduct an enquiry, within a period of four weeks from the date of presentation of the sale deed for registration. Accordingly, this writ petition is allowed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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To

1. The District Registrar,
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Cantonment, Trichirappalli.
2. The Sub-Registrar,
Mannachanallur Sub-Registrar's Office,
Trichirappalli District.



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G.K.ILANTHIRAIYAN, J.

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