



W.P.(MD).No.18673 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.18673 of 2017

and

W.M.P.(MD)Nos.15046 and 15047 of 2017

R.Thiruvalluvan

...Petitioner

Vs

The Sub Registrar,
Srirangam,
Trichy.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order passed by the Respondent in Check Slip-1/ஆகஸ்ட்/2017 ஆய்வுக்குறியடி dated 30.08.2017 and to quash the same and consequently directing the Respondent to receive the Petitioner's Sale Deed and register the same and to pass such further.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.M.Sarangan
Additional Government Pleader



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ORDER

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Heard Mr.M.R.Sreenivasan, learned counsel for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader for the respondent.

2. The order under challenge is a refusal check slip issued by the respondent dated 30.08.2017 by relying upon Section 22-A(1) of the Registration Act.

3. The issue raised in this writ petition is no longer *res integra*. Similar issue has already been settled by the Hon'ble Division Bench of this Court in the decision reported in ***(2017) 3 CTC 135 [Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious.***

4. Before issuing a refusal check slip, it is incumbent upon the Sub Registrar to issue notice to the temple concerned and, after hearing both parties, make an appropriate decision. However, in the present case, this procedure was not followed. In light of the judgment cited above, the respondent is directed to consider the document presented by the



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petitioner afresh and, after conducting an enquiry with the petitioner and the temple concerned in accordance with the Division Bench decision cited above, shall pass appropriate orders.

5. Accordingly, this Writ Petition is allowed and the impugned order dated 30.08.2017 is set aside and matter is remitted back to the respondent for fresh consideration in consonance with the judgment stated supra. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

05.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

The Sub Registrar,
Srirangam,
Trichy.



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K.KUMARESH BABU, J.

Nsr

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