



W.P.(MD)No.29252 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2024**

CORAM:

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

W.P.(MD)No.29252 of 2024

P.Balasubramaniam

... Petitioner

/Vs./

The Sub-Registrar,
Kottaram Sub-Registrar Office,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal slip in refusal number RFL/Kottaram/159/2024 dated 16.10.2024 issued by the respondent and to quash the same as illegal and arbitrary and consequently to direct the respondent to register the settlement deed presented by the petitioner for registration without insisting for the production of No Objection Certificate.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.S.P.Maharajan

Special Government Pleader



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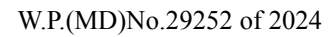
ORDER

This writ petitioner has been filed challenging the refusal check slip issued by the respondent dated 16.10.2024 thereby refused to register the settlement deed presented by the petitioner for registration on the ground that the subject property stands in the name of Trustee of Santhanamari Mutharamman Vagaiyara Temple.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. The petitioner had purchased the property comprised in S.Nos. 42/14A, 42/10A admeasuring 72 cents and 200 square lings situated at Leepuram Village, Agastheeswaram Taluk, Kanyakumari District by the registered sale deed dated 10.12.2003 registered vide document No. 3463/2003. Thereafter, the petitioner was also issued with patta Nos.



5. Admittedly, the respondent without conducting any enquiry straightaway refused to register the settlement deed by issuing refusal check slip. The respondent ought to have conducted an enquiry as directed by the Hon'ble Division Bench of this Court.

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“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 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



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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."

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 16.10.2024 is hereby quashed. The petitioner is directed to re-present the settlement deed for registration. On receipt of the same, the respondent is directed to issue notice to the petitioner and the trustees of the Santhanamari Mutharamman Vagaiyara Temples and to conduct



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an enquiry under Section 22-A of the Registration Act and pass orders in the light of the judgment in *Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others* reported in *2017 (3) CTC 135*, within a period of four weeks thereafter.

8. Accordingly, this writ petition is allowed. No costs.

06.12.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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To

The Sub-Registrar,
Kottaram Sub-Registrar Office,
Kanyakumari District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
W.P.(MD)No.29252 of 2024

Dated:
06.12.2024