



W.P.(MD)No.30913 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM:

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

W.P.(MD)No.30913 of 2024

and

W.M.P.(MD)No.25991 of 2024

Kanagamani

... Petitioner

/Vs./

1. The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

2. Arulmigu Sankaranarayasamy Temple,
Represented By,
The Assistant Commissioner/Executive Officer,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order in Na.Ka.No.445/Sa.Pa/2024 dated 22.11.2024 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to register the document to be submitted by the petitioner with regard to the old Survey Number.564/A3, New Survey



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Number.483/4, later the above said survey number was sub divided into R.S.No.483/4A measuring to an extent of 37 cents situated at South Sankarankovil Village, Sankarankovil Taluk, Tenkasi District within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.D.Sadiq Raja (R1)

Additional Government Pleader

Mr.V.R.Shanmuganathan (R2)

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 22.11.2024 thereby rejected the petitioner's representation seeking permission to present the document for registration in respect of the property comprised in Old Survey Number. 564/A3, New Survey Number.483/4, later the above said survey number was sub divided into R.S.No.483/4A measuring to an extent of 37 cents situated at South Sankarankovil Village, Sankarankovil Taluk, Tenkasi District.



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

3. The subject property was purchased by the petitioner vide registered sale deed dated 26.08.2010 vide Document No.3153/2010. Thereafter, it was subdivided into R.S.No.483/4A and the petitioner was issued with patta No.3010. Now, the petitioner intended to settle the property in favour of the her children. However, without presenting the settlement deed for registration, the petitioner submitted a representation seeking permission to present the document for registration. However, the said representation was rejected by the first respondent on the ground that there was an objection raised by the second respondent to register any document in respect of the property comprised in Old Survey Number.564/A3, New Survey Number.483/4, later the above said survey number was sub divided into R.S.No.483/4A measuring to an extent of 37 cents situated at South Sankarankovil Village, Sankarankovil Taluk, Tenkasi District.



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4. On mere objections, the first respondent cannot refuse to register any document. If any document is presented for registration in respect of the subject property, the first respondent is directed to issue notice to the petitioner and the second respondent and conduct enquiry 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 in ***2017 (3) CTC 134*** and thereafter, pass orders on merits and in accordance with law, within a period of six weeks from the date of presentation of the document for registration.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2024

Index : Yes / No
NCC : Yes / No
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TO:-

1. The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.30913 of 2024

Dated:
19.12.2024