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W.P.No.3072 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3072 of 2025

Ponnusamy

... Petitioner

Vs.

1.The Sub-Registrar
Registration Department
Palladam
Tiruppur District

2.A/m.Kamburiymman Temple
Vavipalayam
Palladam Taluk
Tiruppur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip bearing No.RFL/Palladam/50/2024 dated 31.12.2024 on the file of the 1st respondent herein, quash the same and consequently direct the 1st respondent herein to register the Sale Deed dated 31.12.2024 executed by the petitioner to and in favour of one Easwaramoorthy within a stipulated period.



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For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.P.Harish
Government Advocate - R1

Mr.N.R.R.Arun Natarajan
Special Govt. Pleader (HR&CE)-R2

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip issued by the 1st respondent dated 31.12.2024 and for a consequential direction to the 1st respondent to register the sale deed dated 31.12.2024 executed by the petitioner in favour of one Easwaramoorthy.

2.Heard Mr.K.Govi Ganesan, the learned counsel appearing on behalf of the petitioner, Mr.P.Harish, the learned Government Advocate for the 1st respondent and Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader (H.R & C.E.) appearing for the 2nd respondent.

3.The petitioner is claiming to be the absolute owner of the subject property. The petitioner wanted to sell the property in favour of one Easwaramoorthy. When the sale deed was presented for registration, the same



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was refused to be registered by the 1st respondent by issuing the impugned refusal check slip on the ground that the property belongs to the 2nd respondent temple and a communication has been received in this regard from the H.R. & C.E. Department dated 25.05.2018.

4.In the considered view of this Court, the 1st respondent could have dealt with the dispute as per the guidelines issued by the Division Bench of this Court in ***Sudha Ravi Kumar and another V. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and others reported in (2017) 3 CTC 135.*** The relevant portion is extracted hereunder;

"....

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 bee 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



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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 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



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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."

5.In view of the above, there shall be a direction to the 1st respondent to conduct a summary enquiry after affording opportunity to the petitioner and the 2nd respondent and take a decision in line with the guidelines issued by the Division Bench within a period of four (4) weeks from the date of receipt of a copy of this order.

6.In the result, the writ petition is allowed with the above directions. No costs.

05.02.2025

Index : Yes / No
Neutral Citation
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N. ANAND VENKATESH, J.

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To.
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The Sub-Registrar
Registration Department
Palladam
Tiruppur District

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