



W.P.No.4730 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

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

W.P.No.4730 of 2019

V.Rubasundaran

..... Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Chennai – 4.

2. The Sub Registrar,
Triplicane,
Chennai – 5.

3. Arulmighu Thiruvateeswarar Devasthanam,
Triplicane, Madras - 5,
Rep. by its Executive Officer.

4. G.K.Anand

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent in his proceedings No. RFL/ Triplicane/1/2018 dated 12.07.2018 and to quash the same and consequently direct the 2nd respondent to register the document and release the same.



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For Petitioner : Mr.S.Vijayakumar
Senior Counsel
for Mr.A.V.Balusamy
For R1 & R2 : Mr.U.Baranidharan
Special Government Pleader
For R3 : Mr.D.Ravichander
For R4 : Mr.J.Sunil Kumar

ORDER

This Writ Petition has been filed challenging the order dated 12.07.2018 passed in proceedings No.RFL/Triplicane/1/2018 by the second respondent, thereby refused to register the sale deed for the reason that, as per the Adangal extract maintained in the office of the Tahsildar, the subject property belongs to Arulmighu Thiruvattesarar Swamy Devasthanam.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The subject property situated at Old Door No.2/54, New Door No.82, and presently Door No.18, Perumal Mudali Street, Royapettah, Chennai, admeasuring an extent of 349 sq.ft comprised in R.S.No.1246/32 as per patta R.S.No.1246/51, Block No.26, was



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originally belonged to G.Manicka Mudaliar. He inherited the said property by way of partition deed dated 16.04.1980 registered vide Document No.373 of 1980. The said G.Manicka Mudaliar died leaving behind his son Kumaravel as his successor. Subsequently, the said Kumaravel also died, leaving behind his two sons, viz., G.K.Anand and G.K.Prabhu, who succeeded to his estate. Thereafter, both sons executed a partition deed dated 22.09.2011. However, the Registering Authority refused to register the partition deed and as such, they preferred a writ petition before this Court in W.P.No.16603 of 2013. This Court, by an order dated 04.04.2016, directed the Registering Authority to register and release the documents. After registering the partition deed, the petitioner purchased the subject property from one of the co-owners in respect of his allotted share under the partition deed by way of sale deed dated 11.07.2018 and presented the same before the second respondent for registration. However, the registration was refused on the ground that the Adangal extract maintained in the office of the Tahildar shows that the subject land belongs to Arulmighu Thiruvattesarar Swamy Devasthanam.



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4. Mr.S.Vijayakumar, the learned Senior Counsel appearing for the petitioner submitted that the provisions under Section 22-A have been considered by the Hon'ble Division Bench of this Court in W.P.No.30589 of 2013, dated 05.04.2017, wherein it was held as follows :

“23. This contention is seriously objected to by the learned counsel for the petitions. First of all we should state that we are not going into this issue because the constitutionality of Section 22-A of the Registration Act is not under challenge. Secondly, whether the property which is covered in the deed presented for registration is a religious endowment or not in terms of the TN HR & CE Act also cannot be gone into by us as the said dispute could be resolved only by a Civil Court on evidence. Even the registering authority is not competent to go into the said disputed questions as he is not exercising any judicial or quasi judicial function. Similarly, simply because the some lands were shown as the properties belonging to the religious institution in the register maintained by the temple, it cannot be construed that the said land belongs to the said religious institution. It needs to be noted that the register of properties under Section 29 was prepared not after notice to the interest persons. It was done unilaterally by the religious institution. Similarly, the maintenance of the register by



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updating the same is also not done after notice to the parties who are interested in the property which is included in the register after the preparation of the original register. Thus, the preparation as well as the maintenance of the register is by the unilateral act of the religious institution and therefore likelihood of the private lands belonging to any individual being included in the register by error cannot be ruled out. All these issues are to be resolved by the Civil Court. Therefore, in our considered view, once patta has been issued under either the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 it is for the temple to establish its title before the Civil Court. The registrar is bound to act on the basis of the ryotwari patta issued by the authority concerned and he shall not refuse to register the sale deeds. As we have already pointed out the remedy for the religious institution is to approach the civil court for appropriate remedy.

24. But this observation of ours shall not be construed that it is our conclusion that ryotwari patta issued to the ryot concerned is the final adjudication relating to the title for the property. We wish to clarify that the final adjudication regarding the title to the property can be had only before a Civil Court. We only



say that at the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering authority shall issue notice afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious institution or given or endowed to the religious institution, then, he shall refuse to register such deed.”

5. Thus, the concerned temple ought to have approached the Civil Court for appropriate relief for their rights over the subject land. However, the Hon'ble Division Bench of this Court directed the Registering Authority to issue notice to the religious institution, afford an opportunity of hearing to both parties, conduct an enquiry and pass appropriate orders. Further, the documents presented for registration are still pending on the file of the second respondent.

6. In view of the above, the second respondent is directed to issue notice to the third respondent and the petitioner, to conduct an enquiry under Section 22-A of the Registration Act and pass orders on whether to register the document or reject the same, in the light of the



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order passed by the Hon'ble Division Bench of this Court in W.P.No.30589 of 2013, dated 05.04.2017. The entire process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition stands allowed. There shall be no order as to costs.

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(½)

Internet : Yes
Index : Yes/No
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To
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2. The Sub Registrar,
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G.K.ILANTHIRAIYAN, J.

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