



W.P.No.4732 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

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

W.P.No.4732 of 2019

P.Logambal

..... Petitioner

Vs

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

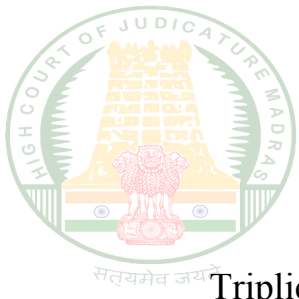
2. The Sub Registrar,
Triplicane,
Chennai – 5.

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

4. M/s. Cholamandalam Investment
Finance Company Ltd.,
Dare House, 1st Floor,
No. 2, HSC Bose Road,
Chennai – 1.

..... 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/



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Triplicane/3/2019 dated 11.02.2019 and to quash the same and consequently direct the 2nd respondent to register the document and release the same.

For Petitioner : Mr.S.Vijayakumar
Senior Counsel
for Mr.J.Melwin Jabaz

For R1 & R2 : Mr.U.Baranidharan
Special Government Pleader

For R3 : Mr.D.Ravichander

For R4 : Mr.S.Namasivayam

ORDER

This Writ Petition has been filed challenging the order dated 11.02.2019 passed in proceedings No.RFL/Triplicane/3/2019 by the second respondent, thereby refused to register the mortgage deed presented for registration by the petitioner on the ground that the subject property belongs to the temple.

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

3. The property, comprised in land and building, bearing



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Old Door No.8, New Door No.3, Present Door No.5, Perumal Mudali Street, Royapettah, Chennai, admeasuring an extent of 740 sq.ft. comprised in R.S.No.C1251/1 part as per patta New R.S.No.C1251/1 Block No.26, was originally belonged to three brothers. By a partition deed dated 13.02.1932, one share was allotted in favour of one brother, who subsequently died leaving behind three sons. Thereafter, his sons executed a partition deed, which was registered in Document No.657 of 1965 dated 12.07.1965. As per the partition deed, the subject property was allotted in favour of one C.A.Soundarajan and was later released in favour of his three sons by way of release deed dated 21.07.1980. Subsequently, the property was sold to one Dhanakotti on 16.08.1980. In turn, the said Dhanakotti sold out the said property to the petitioner by a sale deed dated 02.06.1995. Thereafter, the petitioner subjected the house to the property tax and also mutated the revenue records in his favour. In order to avail a loan, the petitioner executed a mortgage deed in favour of the fourth respondent herein and presented the same for registration. However, registration was refused on the ground that the subject property belongs to the temple.

4. In this regard, it relevant to extract the provision under



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Section 22-A which 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 updating the same is also not done after notice to the



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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



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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, to 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, conduct an enquiry under Section 22-A of the Registration Act and pass orders on whether to register the document or to reject the same, in the light of the order passed by the Hon'ble Division Bench of this Court in W.P.No.30589 of



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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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(2/2)

Internet : Yes
Index : Yes/No
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To
1. The Inspector General of Registration,
Santhome High Road,
Chennai – 4.

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

G.K.ILANTHIRAIYAN, J.

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