



W.P. No.19751 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.19751 of 2025

N.Palanisamy

... Petitioner

Vs.

1. The Sub-Registrar,
Registration Department,
Vellakovil, Tiruppur District.

2. The Executive Officer,
A/M Varadarajaperumal Thirukovil,
A/M Sazheeswara Thirukovil,
Vellakovil, Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Refusal Check Slip bearing No.RFL/Vellakovil/5/2025 dated 21.03.2025 on the file of the 1st respondent herein, quash the same and consequently direct the 1st respondent herein to register the Settlement Deed dated 21.03.2025 executed by the petitioner to and in favour of her wife Nidya.

For Petitioner(s) : Mr.S.Sriram

For R1 : Mr.Bakkiyalakshmi
Government Advocate



W.P. No.19751 of 2025

For R2

: Mr.NRR Arun Natarajan
Special Government Pleader

WEB COPY

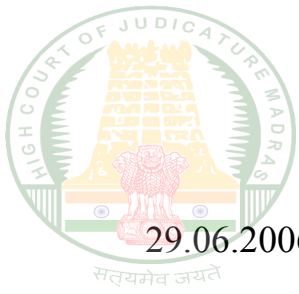
ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the Impugned Refusal Check Slip bearing No.RFL/Vellakovil/5/2025 dated 21.03.2025 passed by the 1st respondent, whereby the Settlement Deed dated 21.03.2025 was refused to be registered on the premise that the temple authorities have objected saying that the title vests with the Arulmigu Varadarajaperumal Thirukovil and Soleeswarar Swami Thirukovil.

3. It is submitted by the learned counsel for the petitioner that the property comprised in Old Natham Survey No.502/G, New Natham R.S.O.No.1797/6, covering an extent of 1311 ½ square feet, situated at Vellakovil Village, Kangeyam Taluk, Tiruppur District, belonged to the petitioner's father vide Assessment Proceedings dated 27.09.1968 in Na.Ka.15/78 granted by Deputy Tahsildar, Kangeyam.

3.1. It is further submitted that the petitioner's father died intestate on



W.P. No.19751 of 2025

29.06.2006 leaving behind petitioner's mother, brother, sister and the petitioner

herein as his legal heirs. The above said Grama Natham lands was thus entitled to 1/4th share. The other co-sharers released their 3/4th share in favour of the petitioner vide Release Deed dated 07.03.2007. It is stated that the petitioner is the absolute owner of the above said Grama Natham Lands.

3.2. It is submitted by the learned counsel for the petitioner that the petitioner executed a Settlement Deed dated 21.03.2025 in favour of his wife and presented the same for registration and paid necessary charges. However, the 1st respondent refused to register the settlement deed vide Refusal Check Slip bearing No.RFL/Vellakovil/5/2025 dated 21.03.2025 on the premise that the temple authorities have objected saying that the title of the subject property vests with the Arulmigu Varadarajaperumal Thirukovil and Soleeswarar Swami Thirukovil.

3.3. It is submitted by the learned counsel for the petitioner that before refusal if there is any objection by the temple authorities the petitioner ought to have been put on notice and ought to have been heard and only thereafter the refusal could have been made. It is submitted that the impugned order refusing to register has been made without putting the petitioner's on notice violating the principles of natural justice. In this regard the learned counsel for the petitioner would also place reliance upon the Division Bench order of this Court in the



W.P. No.19751 of 2025

case of Sudha Ravi Kumar and another v. Special Commissioner and

WEB Commissioner and others, reported in, 2017 SCC OnLine Mad 19191, wherein

certain guidelines has been issued as to the manner in which the registering authority ought to have conducted an enquiry if there is any objections raised by temple authorities. The same 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 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 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



W.P. No.19751 of 2025

registering authority shall not withhold the deed which has already been registered.

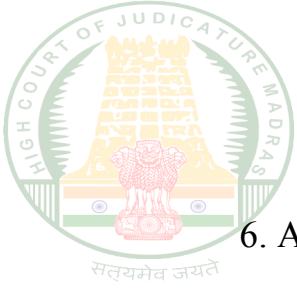
WEB COPY

(vi) Consequently the connected miscellaneous petitions are closed. No costs."

3.4. The learned counsel for the petitioner would submit that the above procedure set out by the Division Bench of this Court has not been followed and his only request is to comply with the above procedure/guideline by this Court.

4. When this was pointed out, the learned counsel for the respondent would submit that the petitioner would be heard and the matters may be remanded back for de novo consideration and the appropriate authority would pass orders afresh after putting the petitioner on notice and after hearing the petitioner response to the objections made by the 2nd respondent.

5. In view thereof, the matter is remanded back to the respondents for de novo consideration and pass appropriate orders after putting the petitioner on notice and after hearing the petitioner's response to the objections made by the 2nd respondent and after complying with the procedure/guideline laid down by the Division Bench of this Court in the case of Sudha Ravi Kumar's case.



W.P. No.19751 of 2025

6. Accordingly, the writ petition stands disposed of. No costs.

WEB COPY

11.06.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

spp

To:

1. The Sub-Registrar,
Registration Department,
Vellakovil, Tiruppur District.
2. The Executive Officer,
A/M Varadarajaperumal Thirukovil,
A/M Sazheeswara Thirukovil,
Vellakovil, Tiruppur District.



WEB COPY



W.P. No.19751 of 2025

MOHAMMED SHAFFIQ, J.

spp

W.P. No.19751 of 2025

11.06.2025