



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 2194 of 2025
and
CMP No. 16776 of 2025**

The Executive Officer
A/m. Karikrishna Perumal Thirukoil
Tamil Nadu H.R and C.E., Department,
Thiruayapadi, Ponneri - 601 204,
Thiruvallur District.

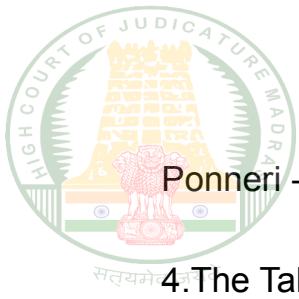
Appellant(s)

Vs

1.E.Suresh

2.The District Registrar
(Administration)
District Registrar Office,
Thiruvallur District
Thiruvallur - 601 204.

3.The Sub-Registrar
Ponneri, Sub-Registrar Office,



Ponneri - 601 204.

4.The Tahsildar

Ponneri Taluk, Tiruvallur District.

[R4 suo motu impleaded vide order
dated 21.07.2025 in
WA.No.2194/2025]

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the Order in W.P.No.2563 of 2025 dated 31.01.2025 and thus render justice.

For Appellant(s): Mr.P.Wilson Topay
For M/s.A.S.Kailasam and
Associates

For Respondent(s): Mr.N.Anantha Ramakrishna
For R1
Mr.U.Baranidharan, Special
Government Pleader
For R2 & R3
Mr.S.Senthilmurugan
Special Government Pleader
For R4

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 31.01.2025 passed in W.P.No.2563



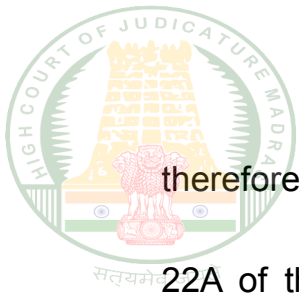
of 2025. The 3rd respondent/Executive Officer of the Temple in the writ petition is the appellant before this Court.

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2. The 1st respondent/Mr.E.Suresh filed writ proceedings challenging the refusal order passed by the Registering Authority in proceedings dated 12.12.2024. The 1st respondent presented a sale deed for registration in respect of the property measuring 971. Sq.ft, Plot No.7, Sakthi Murugan Nagar, Old Survey No.89/5, New Survey No.89/5A1C, Patta No.7469 Thadaperumbakkam-1 Village, Ponneri Taluk, Tiruvallur District.

3. The appellant admittedly filed an objection before the Registering Authority not to register any document in respect of the subject property since it belongs to the Temple. Based on the objection letter, the registering authority conducted an inquiry and issued the order of refusal, which is impugned in the writ proceedings.

4. The learned counsel for the appellant would mainly submit that as per the Temple Register maintained, the subject property belongs to the deity and



therefore, an objection was raised for registering the document. Under Section

22A of the Registration Act, 1908. In the event of any such objection, the

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Registering Authority is empowered to refuse registration of the document.

5. The learned counsel for the 1st respondent would oppose by stating that the subject property belongs to the 1st respondent. He is the patta holder and the earlier Court orders would indicate that the 1st respondent acquired right in respect of the subject property. The Government acquired the land and thereafter granted patta in favour of the 1st respondent and therefore, the objection filed by the Temple is baseless. The learned Single Judge also considered this aspect and allowed the writ petition. Thus, the writ appeal is to be rejected.

6. Disputed facts relating to title/ownership cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India. Merely based on the writ affidavit or Xerox copies of the documents filed along with the writ petition, Writ Court cannot form an opinion regarding the ownership of an immovable property. Section 22A of the Registration Act provides refusal to



register certain documents by the Registering Authority. Section 22A (1)(ii)

empowers the Registering Authority to refuse registration in the event of

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receiving any objection from the Temple Authority or Hindu Religious and

Charitable Endowments Department, as the case may be.

7. However, the Registering Authority is incompetent to adjudicate the title disputes. In such circumstances, the parties are to be relegated to approach the Competent Civil Court of Law for the purpose of establishing their title in the manner known to law. In the event of Writ Court adjudicating the title disputes, the same would cause prejudice to either of the parties, more so the Writ Court cannot conduct a roving inquiry with reference to the title documents. This exactly is the reason why time and again the Constitutional Courts reiterated that the disputed facts in civil nature cannot be adjudicated by the Writ Courts and it would fall beyond realm of the powers of judicial review conferred under Article 226 of the Constitution;

8. In the present case, the appellant/Temple claims title over the property and filed an objection under Section 22A of the Registration Act. Per



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contra, the 1st respondent claims that he is the owner of the property. He is also relying on certain documents. Under these circumstances, the 1st respondent claiming title is at liberty to approach the Competent Civil Court of Law for the purpose of declaration of title or otherwise. In such circumstances, all necessary parties, including the Temple and HR&CE department also must be impleaded as parties for effective adjudication of the issue.

9. In view of the facts and circumstances, the finding of the Writ Court regarding declaration of title of an immovable property in favour of the 1st respondent deserves to be interfered with. Consequently, the writ order dated 31.01.2025 passed in W.P.No.2563 of 2025, is set aside and the Writ Appeal stands allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

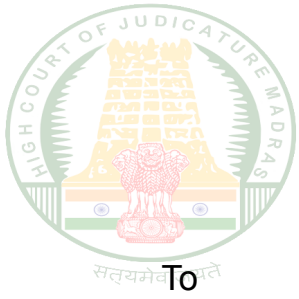
24-09-2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Jeni



To
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(Administration)
District Registrar Office,
Thiruvallur District
Thiruvallur - 601 204.

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