



W.P. No.19296 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.19296 of 2024

Geetha Sekar

Petitioner(s)

Vs

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
O/o.District Registrar,
Chennai North, 1st Floor, Kuralagam,
Chennai-600 001.

3.The Sub Registrar,
O/o.Sub Registrar,
Madhavaram, Chennai-600 060.

4.The Joint Commissioner,
Chennai District, Hindu Religious and
Charitable Endowments Department,
Chennai Region -1, Chennai 600 034.

*(R4-impleaded as per order dated 26.07.2024 in WMP.No.23197/2024 in
W.P.No.19296/2024 by NSKJ)*

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned order passed by 3rd respondent dated 13.06.2024 made in refusal check slip Reference No.RFL/Madhavaram/14/2024 refusing to register the simple mortgage deed and to quash the same and consequently directing the 3rd respondent to register a simple mortgage deed dated 13.06.2024 executed by Mrs.Geetha Sekar W/o.A.sekar, to and in favour of Mr.A.Manokaran, S/o.Athikesvan, before sub-Registrar, Madhavaram.

For Petitioner(s) : Mr.S.Muthukumar

For Respondent(s) : Mr.Abishek Murthy
1 to 3 Government Advocate

For R4 Mr.S.Ravichander
Additional Government Pleader

ORDER

The present writ petition is filed challenging the refusal check slip dated 13.06.2024 whereby the petitioner's simple mortgage deed was rejected on the basis that Joint Commissioner filed a protest letter stating that the document should not be registered in respect of Survey No.106 without prior permission of the HR & CE Department.

2. It is submitted by the learned counsel for petitioner that the subject property originally belonged to the Perambur Co-operative Building Society Limited, registered under the Tamil Nadu Co-operatives Societies Act VI of 1932. It is further submitted that about 5 acres of land comprised in Survey Nos.106/1A, 1A1 part, 2A1 part and 106/3 part, situated at Madhavaram Village, Ambattur Taluk, Thiruvallur District was acquired by the above Society and the



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WEB said lands was converted as house sites on obtaining approval of layout plan from C.M.D.A. on 26.05.2000.

2.1. It is the further submission of the learned counsel for petitioner that Plot No.22, was sold to one Thanigainathan by the said Society by way of registered sale deed dated 21.01.2002 registered as Document No.298 of 2002 on the file of SRO, Sembium. Subsequently, the property was purchased by one R.Prema from said Thanigainathan by way of registered sale deed dated 31.10.2003 registered as Document No.7739 of 2003 on the file of SRO, Sembium. Petitioner in turn purchased the property from one R.Prema.

2.2. Thereafter, petitioner executed simple mortgage deed in favour of one Manoharan and the same was presented before the 3rd respondent on 13.06.2024, however, the refusal check slip was issued on the premise that the Joint Commissioner, Chennai had submitted a protest letter dated 26.06.2003 stating that the property comprised in Survey No.106 should not be registered without prior permission of the HR and CE Department. It is the case of the petitioner that these are patta lands and patta stands in the name of the Society and thereafter mutated in the name of Thanigainathan and Prema. Hence, this writ petition.

3. At the outset, it is submitted by Mr.Abishek Moorthy, learned



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Government Pleader for respondents 1 to 3 that inasmuch as there is dispute over the title, he would submit that the 3rd respondent may have to follow the procedure /guidelines laid down by the judgment of the Division Bench of this Court in the case of *Sudha Ravi Kumar and others vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and others* reported in 2017 (3) CTC 135, which was agreed to by the learned Additional Government Pleader for respondent 4 as well as petitioner. Relevant portions of the judgment reads as under:

“24. This contention is seriously objected to by the learned counsel for the petitioners. 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 question 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 interested 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 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



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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 and the Tamil Nadu Minor Inams (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 said deeds. As we have already pointed out the remedy for the religious institution is to approach the civil court for appropriate remedy.

25. 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.

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.



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

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

4. In view thereof, the impugned order is set aside and the writ petition stands disposed of with a direction to the respondents to follow the procedure/ guidelines laid down by the Division Bench of this Court in the case of *Sudha Ravi Kumar* (cited supra) and thereafter proceed to register the document if it is otherwise in order. If for any reason the same is rejected, the registering authority may do so after assigning appropriate reasons for such refusal. No costs.

11.08.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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- 2.The District Registrar,
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MOHAMMED SHAFFIQ, J.

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