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W.P.No.24761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.24761 of 2025

K.Natarajan

... Petitioner

Vs.

1.The Sub-Registrar,
24CG+FW7, Kalangal Road,
SRS Puram, Sulur, Tamil Nadu-641 402.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore.

3.The Executive Officer,
Thiruvankatanatha Perumal and
Arulmighu Vaidyanathaswami Temple,
Sulur Circle, Sulur,
Coimbatore-641 669.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in proceedings RFL/SULUR/27/2025 dated 12.06.2025 and quash the same as illegal,



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unconstitutional and without jurisdiction and to consequently direct the first respondent to register the sale deed dated 07.03.2025, with respect to the land admeasuring 2126 sq.ft in Survey No.412/1A1, situated at Suler Taluk, Coimbatore District.

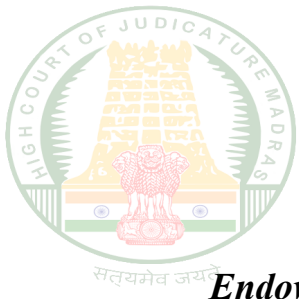
For Petitioner : Mr.Avinash Wadhwani

For Respondents : Mr.U.Baranidharan
Special Government Pleader for R1
Mr.Karthikeyan
Government Advocate
(HR & CE) for R2 and R3

ORDER

The present writ petition has been filed challenging the proceedings dated 12.06.2025 whereby petitioner's sale deed was sought to be refused on the premise that there was a protest letter lodged by Temple authorities.

2. It is submitted by learned counsel for petitioner that the impugned order is contrary to the directions of the Division Bench of this Court in the case of *Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable*



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Endowments Department, Chennai - 4 and others reported in **(2017) 3 CTC 135**, wherein a set of guidelines have been issued as to the manner in which the enquiry ought to be conducted in case there is any protest against registration of any deed by HR&CE Department.

3. In the present case, petitioner claims that he is the owner of the property comprised in Survey No.412 measuring an extent of 5.70 acres situated at Palladam Taluk, whereas third respondent claims that out of 5.70 acres of the subject property, 2126 sq.ft belongs to the respondent Temple. If any dispute is raised in respect of lands belong to any religious institution, it needs to be resolved following the guidelines / procedure laid down by the Division Bench of this Court in **Sudha Ravi Kumar's case** cited *supra*. The relevant portion of which reads as follows:

"25. 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



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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



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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. This Court finds merits in the submission made by learned counsel for petitioner and thus, impugned order is set aside. In view thereof, there shall be a direction to petitioner to re-present the documents / sale deed to the first respondent. On such re-presentation, an enquiry shall be conducted with the petitioner and third respondent in terms of Division Bench decision cited *supra*. Such enquiry shall be completed within a period of four weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. Based on such enquiry, the sale deed would be registered if it is otherwise in order. If for any reason, the registering authority refuses to register the sale deed, the same would be done by



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issuing a refusal slip / order assigning reason. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.

5. With the above observation and direction, this Writ Petition stands disposed of. No costs.

10.07.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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