



W.P.No.27732 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2025

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Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.27732 of 2025

- 1.Ravichandran
- 2.Ajaykumar

...Petitioners

Versus

- 1.The Inspector General of Registration,
No.100 Santhome Main Road,
Mandaivelipakkam,
Raja Annamalaipuram,
Chennai – 600 028.
- 2.The District Registrar,
Salem West,
Salem.
- 3.The Sub-Registrar,
Office of the Sub Registrar,
Omalur,
Salem District.
- 4.The Assistant Commissioner/Executive Officer,
Arulmigu Sugavaneshwarar Swamy Thirukoil,
Salem Taluk,
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorarified mandamus calling for the
records on the file of the 3rd respondent pertaining to the refusal check slip



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No.RFL/OMALUR/32/2025 dated 21.06.2025 and quash the same and consequently, direct the 3rd respondent to register the Sale Deed presented by the petitioners in respect of their property vide the Temporary No.TP/223638899/2025 dated 21.06.2025.

For Petitioners : Mr.T.Saikrishnan
For Respondents – 1 to 3: Mr.U.Baranidharan,
Special Government Pleader
For Respondent – 4 : Mr.N.R.R.Arun Natarajan,
Special Government Pleader

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 relief sought in this writ petition is to quash the Refusal Check Slip No.RFL/OMALUR/32/2025 dated 21.06.2025 issued by the 3rd respondent and consequently, direct the 3rd respondent to register the Sale Deed presented by the petitioners in respect of their property vide Temporary No.TP/223638899/2025 dated 21.06.2025.

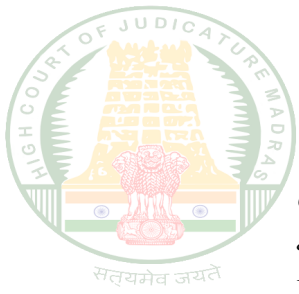
3. The learned counsel for the petitioners submitted that on 21.06.2025, petitioners presented a Sale Deed before the 3rd respondent for registration. However, 3rd respondent vide Refusal Check Slip



No.RFL/OMALUR/32/2025 dated 21.06.2025, refused to register the Sale Deed by stating that 4th respondent vide Proceedings dated 01.10.2021 bearing Na.Ka.No.567/2012/A2, issued a direction not to register the documents related to the property comprised in Survey No.120 New Survey No.67/1 situated at Pachanampatti Village and hence, petitioners were required to obtain No Objection Certificate (NOC) from 4th respondent and submit the same for registering the Sale Deed.

4. The learned Special Government Pleader appearing for respondents 1 to 3 submitted that the Sale Deed presented by the petitioners relating to the property comprised in Old S.No.120/4A1A and New Survey No.120/4A1A1A1 measuring an extent of 9.75 cents situated at Pachanampatti Village belongs to a temple viz., Arulmigu Sugavaneshwarar Swamy Thirukoil, Salem. He further submitted that if the petitioners represent the Sale Deed, 3rd respondent would consider the said Sale Deed in the light of the procedure laid down by the Division Bench of this Court in its decision in the case of ***Sudha Ravikumar and Ors. Vs. The Special Commissioner & Commissioner of HR & CE Department, Chennai – 34 and Ors.*** reported in ***2017 (3) CTC 135***, wherein, it was held as follows:

“24. This contention is seriously objected to by the learned



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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 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.”



He also submitted that if the registration of Sale Deed is refused for any reasons, 3rd respondent would issue a Refusal Check Slip/Order assigning the reasons for refusal.

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5. The above submission made by the learned Special Government Pleader for the respondents 1 to 3 has been fairly conceded by the learned counsel for the petitioners.

6. In view thereof, this Writ Petition stands disposed of on the following terms:

(i) The Refusal Check Slip No.RFL/OMALUR/32/2025 dated 21.06.2025 issued by the 3rd respondent is hereby quashed.

(ii) The petitioners are directed to re-present the Sale Deed before 3rd respondent for registration.

(iii) On such re-presentation by the petitioners, 3rd respondent shall consider the Sale Deed in the light of the procedure laid down by the Division Bench of this Court in its decision in the case of ***Sudha Ravikumar and Ors. Vs. The Special Commissioner & Commissioner of HR & CE Department, Chennai – 34 and Ors.*** reported in ***2017 (3) CTC***



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135 and register the same, if it is otherwise in order.

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(iv) If for any reasons, registration of Sale Deed is sought to be refused, 3rd respondent shall issue a Refusal Check Slip/Order assigning appropriate reasons.

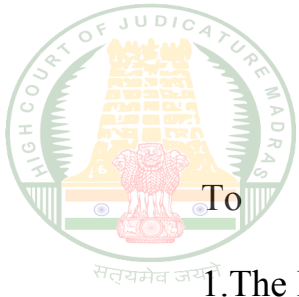
(v) It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to 3rd respondent to consider the matter on its own merits and in accordance with law. No costs.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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To

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MOHAMMED SHAFFIQ, J.



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