



W.P.No.28344 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2025

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Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.28344 of 2025

Sakthivel

...Petitioner

Versus

- 1.The Sub Registrar,
Office of the Sub Registrar,
Tharapuram.
- 2.The Joint Commissioner,
The Hindu Religious &
Charitable Endowments Department,
Tirupur Regulated Market Complex,
Tiruppur – Palladam Road,
Town Extension,
Tiruppur,
Tamil Nadu – 641 604.
- 3.The Assistant Commissioner,
The Hindu Religious & Charitable Endowments
Department,
First Floor,
Tirupur Regulated Market Complex,
Tiruppur – Palladam Road,
Town Extension,
Tiruppur,
Tamil Nadu – 641 604.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the entire records of the 1st respondent passed in Refusal No.RFL/Tharapuram/15/2025 dated 21.04.2025 and to set aside the order passed therein and direct the 1st respondent herein to register the same.

For Petitioner : Mr.H.Manojin

For Respondent – 1 : Mr.Abishek Murthy,
Government Advocate

For Respondents – 2 & 3: 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 set aside the Refusal Check Slip bearing No.RFL/Tharapuram/15/2025 dated 21.04.2025 issued by 1st respondent and to direct the 1st respondent to register the Sale Deed dated 21.03.2025.

3. The learned counsel for the petitioner submitted that petitioner



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presented a Sale Deed dated 21.03.2025 before 1st respondent for registration, however, 1st respondent vide impugned Refusal Check Slip dated 21.04.2025, refused to register the Sale Deed on the premise that Executive Officer of Nageswara Swamy Tirukkivil, Tharapuram Taluk, Tiruppur District vide Letter dated 29.12.2022, instructed the Registering Officer not to register any documents pertaining to the property comprised in S.No.330/2A1B situated at Eragampatti Village since the said property belongs to the Temple. Petitioner was thus required to obtain No Objection Certificate (NOC) from 2nd respondent for registering the Sale Deed dated 21.03.2025.

3.1. It is further submitted by the learned counsel for the petitioner that 1st respondent did not furnish to the petitioner a copy of any Objection or Protest Petition submitted on behalf of the Temple stating that the property comprised in S.No.330/2A1B situated at Eragampatti Village belongs to the temple. If the petitioner is furnished with a copy of any Objection or Protest Petition, then petitioner would be able to respond and establish his title over the said property.

3.2. The learned counsel for the petitioner also submitted that the



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impugned Refusal Check Slip issued by 1st respondent is in violation of the guidelines issued by the Division Bench of this Court in its decision in the case of ***Sudha Ravikumar and Another. Vs. The Special Commissioner & Commissioner of HR & CE Department and Ors.*** reported in **2017 (3) CTC 135**, wherein, it was held as follows:

“25. 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.

(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



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straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.

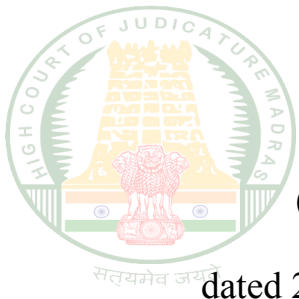
(v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under 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. The learned Government Advocate appearing for 1st respondent submitted that if the petitioner re-presents the Sale Deed dated 21.03.2025 along with relevant documents and his Objections, 1st respondent would consider the same as per the guidelines issued by the Division Bench of this Court in the decision referred *supra*.

5. The above submission made by the learned Government Advocate for 1st respondent has been fairly conceded by the learned counsel for petitioner.

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



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(i) The impugned Refusal Check Slip No.RFL/Tharapuram/15/2025 dated 21.04.2025 issued by 1st respondent is set aside.

(ii) The petitioner is directed to re-present the Sale Deed dated 21.03.2025 along with relevant documents and his Objections, if any, before 1st respondent for registration.

(iii) On such re-presentation of Sale Deed by the petitioner, as per the guidelines issued by the Division Bench of this Court in the decision rendered in the case of ***Sudha Ravikumar and Another. Vs. The Special Commissioner & Commissioner of HR & CE Department, and Ors.*** reported in ***2017 (3) CTC 135***, 1st respondent shall issue notice and afford an opportunity of hearing to the petitioner, respondents 2 & 3 and all other interested parties; conduct summary enquiry and thereafter, register the Sale Deed dated 21.03.2025, if it is otherwise in order.

(iv) If for any reasons, registration of Sale Deed is sought to be refused, 1st 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



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regard to the merits of the case and it is open to 1st 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

To

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MOHAMMED SHAFFIQ, J.



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