



W.A.No. 1158 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

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CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.No.1158 of 2025

1 PV.Sadhunraj
2 V.Kosala .. Appellants

VS

1 The Commissioner,
Hindu Religious and Charitable
Endowment, Chennai.
2 The Joint Commissioner
Hindu Religious and Charitable
Endowment, Salem.
3 The District Registrar,
Salem District.
4 The Sub Registrar,
Mecheri, Salem District. .. Respondents

Prayer : Appeal filed under Clause 15 of Letter Patent Act to set aside the order dated 10.07.2023 in W.P.No.1929/2023 on the file of this Hon'ble Court and call for the records in Na Ka No.115 of 2022 on the file of the Sub Registrar, Mecheri, 4th respondent dated 30.06.2022 and quash the same and direct the 4th respondent to register the pending sale deed dated 24.07.2020.



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For Appellants : Mr.M.Venkadesh Kumar

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For Respondents : Mr.K.Karthigeyan
Govt.Advocate for RR1 & 2
Mr.P.Harish
Govt.Advocate for RR3 & 4

JUDGMENT

(Delivered by Dr. ANITA SUMANTH.,J)

The Writ Petitioners are before this Court for the third time reiterating their claim for ownership of the property at S.No.160/2C, Pottanery Village, Mechery Taluk (in short 'property/'schedule property'). They have set out in detail how, according to them, they are owners of the schedule property.

2. We do not see the need to advert to their claim in regard to the title, in view of the conclusion in this order. Suffice it to say that they had sought registration of a sale deed dated 24.07.2020 which came to be refused by the Sub-Registrar, Mecheri, Salem District on 02.02.2021, as against which they filed W.P.No.8299 of 2021.

3. That Writ Petition came to be disposed on 05.07.2021. This Court, noticing that there had been no enquiry conducted prior to the refusal, set aside the order impugned in the Writ Petition and directed the authorities to issue notice to the appellants as well as the Hindu Religious and Charitable Endowments (HR&CE) Department as there



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was a rival claim to the property by Arulmigu Varadaraja Perumal Temple. In doing so, the Court took note of the decision of this Court in *Sudha Ravi Kumar V. The Special Commissioner & Commissioner, H.R. & C.E., Department* (2017 (3) CTC 135), where the procedure for dealing with rival claims in respect of property had been set out by a Division Bench of this Court.

4. Consequent upon the set aside of the matter, notices had been issued, the parties heard and an order passed on 06.12.2021, adverse to the appellants. That order was subject matter of challenge in W.P.No.2348 of 2022, which came to be disposed on 11.02.2022, again noticing that the procedure set out in the case of *Sudha Ravi Kumar* (supra) has not been followed, and remanding the matter to the file of the concerned authorities.

5. For the third time, an order dated 30.06.2022 has been passed by the Sub-Registrar, again reiterating the lack of title in the hands of the appellants and holding that it was the temple and that held the title over the subject property. That order was again challenged in W.P.No.1929 of 2023, that came to be dismissed by this Court on 10.07.2023 finding no infirmity in the order passed by the Sub-Registrar. As against the same, the appellants are before us in this appeal.



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6. Learned counsel for the appellants would submit that the HR &

CE Department has not produced a scrap of evidence to establish their claim on the subject property. He would point out that appellants had approached the Public Information Officer of the HR & CE Department, Salem seeking documents on the basis of which the HR & CE Department lays claim to the subject property. The reply, according to appellants, is clear to the effect that no such documents are available.

7. Be that as it may, we do not wish to render any finding on the inadequacy or otherwise of the claim or of documentary evidence, particularly in the context of the disputed title to the property.

8. Mr.P.Harish, learned Government Advocate would draw our attention to Section 72 of the Registration Act, 1908, which provides for an appeal to the Registrar from orders of the Sub-Registrar refusing registration on grounds other than denial of execution.

9. We are hence of the considered view that this would be an appropriate remedy for the appellants. The documents relied on by both parties may be placed before the appellate authority, who has powers co-terminus with the original authority to look into the documents and render a finding as to whether the registration of sale deed is appropriate or otherwise.



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10. Section 72 (1) states that an appeal shall be filed within 30 days from the date of order with which the person is aggrieved. In the present case, the order is dated 30.06.2022 and the Writ Petition challenging the same has been instituted in January, 2023. No doubt, the relief has been availed beyond the period of limitation that is prescribed under Section 72.

11. However, since the respondents do not have any objection to the condonation of delay and having regard to the fact that the appellants have been repeatedly reiterating their claim to the property, pursuing the same not once but multiple times, we feel that the delay in this case be condoned.

12. Hence, the appellants are permitted to file an appeal within a period of two (2) weeks from date of receipt of a copy of this order before R3, who shall entertain the same without reference to limitation but ensuring compliance with all other statutory conditions. R3 shall issue notices to all interested parties, consider/look into the documents, if any, hear them and pass orders on merits and in accordance with law, within a period of eight (8) weeks from date of first hearing.



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DR. ANITA SUMANTH, J.
and
N.SENTHILKUMAR, J.

13. This Writ Appeal is disposed with liberty. No costs.

[A.S.M., J] [N.S., J]
19.08.2025

Index:Yes/No

Speaking Order

Neutral Citation:Yes

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To

- 1 The Commissioner,
Hindu Religious and Charitable
Endowment, Chennai.
- 2 The Joint Commissioner
Hindu Religious and Charitable
Endowment, Salem.
- 3 The District Registrar,
Salem District.
- 4 The Sub Registrar,
Mecheri, Salem District.
- 5 The Sub Assistant Officer,
Original Side Appeal,
High Court, Madras.

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