



W.P.No.29367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2025

WEB COPY

Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.29367 of 2025

1.K.M.Palanisamy
2.P.Premavathy

...Petitioners

Versus

1.The Joint Sub-Registrar No.2,
Tiruppur.

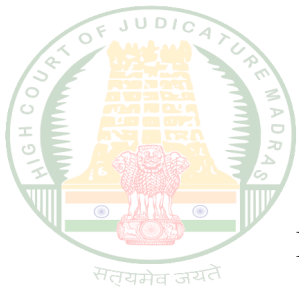
2.The Assistant Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Easwaran Koil Street,
Tiruppur – 641 604.

3.The Executive Officer,
Arulmigu Visweswara Swamy
and Veeraraghava Perumal Temple,
Easwaran Koil Street,
Tiruppur – 641 604.

...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 relating to the impugned Refusal Check Slip dated 27.03.2025 made in RFL/Joint Sub-Registrar No.2 Tiruppur/13/2025 issued by the 1st respondent and quash the same and consequently, direct the respondent to register the Deed of Receipt dated 27.03.2025.

For Petitioners : Mr.V.Anandhamurthy



W.P.No.29367 of 2025

WEB COPY

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 quash the Refusal Check Slip No.RFL/Joint Sub-Registrar No.2 Tiruppur/13/2025 dated 27.03.2025 issued by 1st respondent and consequently, direct 1st respondent to register the Deed of Receipt dated 27.03.2025.

3. The learned counsel for the petitioners submitted that the petitioners mortgaged their properties with Bank of India, Chengapalli Branch, Tiruppur by executing Deposit of Title Deeds and obtained a sum of Rs.3,03,50,000/- as loan from the said Bank. The Manager of Bank of India, Chengapalli Branch, Tiruppur issued a Deed of Receipt, acknowledging the closure of the loan by petitioners. On 27.03.2025, Mr.G.V.Sounthararajan, Manager of Bank of India, Chengapalli Branch, Tiruppur presented the said Deed of Receipt before 1st respondent for



registration. However, 1st respondent vide Refusal Check Slip No.RFL/Joint Sub-Registrar No.2 Tiruppur/13/2025 dated 27.03.2025, refused to register the said Deed of Receipt by stating that 3rd respondent vide Letter dated 22.11.2014, directed the Registering Officer not to register any documents pertaining to the property comprised in S.No.130 since the said property belongs to Arulmigu Vishveshwara Swamy and Veeraraghava Perumal Temple.

3.1. It is further submitted by the learned counsel for the petitioners that Arulmigu Vishveshwara Swamy and Veeraraghava Perumal Temple does not have any title or interest over the property comprised in S.No.130 situated at Tiruppur District.

3.2. The learned counsel for the petitioner also submitted that prior to the issuance of impugned Refusal Check Slip, 1st respondent did not afford an opportunity of hearing to the parties which is contrary to the guidelines issued 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:

WEB COPY

“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 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



WEB COPY



W.P.No.29367 of 2025

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 petitioners re-present the Deed of Receipt along with relevant documents and their Objections, 1st respondent would consider the same and pass orders, as per the guidelines issued by the Division Bench of this Court in the decision referred to *supra*.

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

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

(i) The impugned Refusal Check Slip No.RFL/Joint Sub-Registrar No.2 Tiruppur/13/2025 dated 27.03.2025 issued by 1st respondent is quashed.



WEB COPY

(ii) The petitioners are directed to re-present the Deed of Receipt along with relevant documents and their Objections, if any, before 1st respondent for registration.

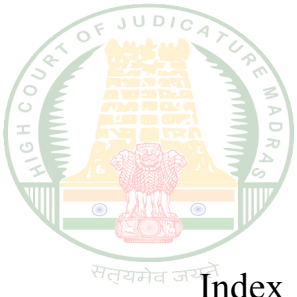
(iii) On re-presentation of Deed of Receipt by the petitioners, as per the guidelines issued by the Division Bench of this Court in the decision rendered in the case of ***Sudha Ravikumar and Ors. Vs. The Special Commissioner & Commissioner of HR & CE Department, Chennai – 34 and Ors.*** reported in ***2017 (3) CTC 135***, 1st respondent shall issue notice and afford an opportunity of hearing to the petitioners as well as to the 3rd respondent, conduct a summary enquiry and thereafter, register the Deed of Receipt, if it is otherwise in order.

(iv) If for any reasons, registration of Deed of Receipt 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 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.

12.08.2025

mrr



W.P.No.29367 of 2022

Index : Yes/No
WEB COPY

Speaking Order (or) Non-Speaking Order

To

- 1.The Joint Sub-Registrar No.2,
Tiruppur.
- 2.The Assistant Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Easwaran Koil Street,
Tiruppur – 641 604.
- 3.The Executive Officer,
Arulmigu Visweswara Swamy
and Veeraraghava Perumal Temple,
Easwaran Koil Street,
Tiruppur – 641 604.



WEB COPY



W.P.No.29367 of 2025

MOHAMMED SHAFFIQ, J.

mrr

W.P.No.29367 of 2025

12.08.2025