



W.P.No.29775 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.29775 of 2025
and W.M.P.No.33396 of 2025

K.Navaneetham

... Petitioner

Vs.

1.The District Registrar
Chennai District
Chennai

2.The Sub Registrar
No.182, Bharathi Salai (Pycrafts Road)
Royapettah
Chennai

3.The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Chennai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in refusal slip RFL/Chennai, Central Joint 1/70/2024 dated 30.08.2024 and to quash the same as illegal, unconstitutional and without jurisdiction and to further direct the 2nd respondent to register the sale deed in respect of property comprised in New R.S.No.3780/6/(Old R.S.No.3780/1 Part),



W.P.No.29775 of 2025

Block No.0074, Mylapore (Part 2) Town, Mylapore Taluk, Chennai District,
admeasuring to an extent of one ground 262 sq. feet.

For Petitioner(s) : Mr.N.Inbanathan

For Respondent(s) : Mr.Abishek Murthy
Government Advocate - R1 & R2

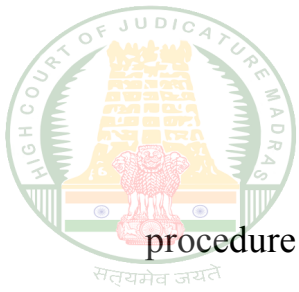
Mr.K.Karthikeyan
Government Advocate (HR&CE) - R3

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The above writ petition is filed for issuance of a writ of Certiorarified Mandamus, challenging the refusal slip dated 30.08.2024, whereby the petitioner's sale deed was refused registration on the premise that the property which is sought to be registered by the petitioner belongs to the Arulmigu Thiruvallur Temple, Mylapore, Chennai 600 004, and a protest letter / petition has been received from the Executive Officer of the said temple.

3. At the outset, learned Government Advocate would submit that the above temple is not made as a party to the present writ petition. In any view, he would submit that in view of the protest petition, they would follow the



procedure / guideline laid down by the division bench of this Court in the case of

WEB Sudha Ravikumar reported in (2017) 4 MLJ 445. The relevant portion reads as

under:

".....

23. This contention is seriously objected to by the learned 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



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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.

24. 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 property can be had only before a Civil Court. We only say that at the time of for the property. We wish to clarify that the final adjudication regarding the title to the registration of the deed, if any objection is made by the religious institution under the parties, apply his mind and only from the materials available before him, if he is Section 22-A of the Act, the registering authority shall issue notice afford opportunity to 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.

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 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



W.P.No.29775 of 2025

title and other relief without availing the opportunity for filing a statutory appeal.

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(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.Learned Government Advocate would further submit that they will also issue a notice to the Executive Officer of the aforesaid temple and conduct an enquiry and pass an appropriate orders within a period of eight weeks, which was agreed to by the learned counsel for petitioner.

5. In view thereof, the writ petition stands disposed of with a direction to the respondent to issue a notice to the Executive Officer of the aforesaid temple and conduct an enquiry and pass appropriate orders within a period of eight (8)



W.P.No.29775 of 2025

weeks. 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 the concerned respondent to consider the case on its own merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2025

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Index : Yes/ No

Neutral Citation

Speaking / Non Speaking

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MOHAMMED SHAFFIQ, J.



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W.P.No.29775 of 2025

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