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W.A.No.2825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.2825 of 2025

and

C.M.P.No.22931 of 2025

1. The Inspector General of Registration,
120, Santhome High Road,
Chennai – 600 028.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Salem.
3. The Joint Commissioner,
HR & CE Department, Salem.
4. The District Registrar,
Office of the District Collector,
Salem – 636 001.
5. The Sub-Registrar,
Omalur Sub-Registrar's Office,
Omalur, Salem District.

... Appellant(s)

Vs.

1. C.Kaliyappan
2. The Executive Officer,
Arulmigu Sendraya Perumal Thirukoil,
Omalur Taluk, Salem District.

... Respondent(s)

Prayer: Appeal filed under Clause 15 of the Letters Patent against the



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order dated 20.12.2024 made in W.P.No.37965 of 2024

For Appellant(s) : Mr.U.Baranidharan,
Special Government Pleader

For R1 : Mr.E.J.Ayyappan

For R2 : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The present intra-court appeal has been instituted to assail the writ order dated 20.12.2024 passed in W.P.No.37965 of 2024.

2. The Registration Department preferred the present appeal. The first respondent instituted writ proceedings seeking a direction to the appellants to consider his representation and, consequently, recall the ban imposed on registration of deeds of conveyance over the first respondent's property comprised in Survey No.14/7B of Vellakalpatti Village, Omalur Taluk, Salem District vide letter dated 15.03.2002.

3. The learned Special Government Pleader (HR & CE) appearing on behalf of the appellants, would mainly contend that the Joint Commissioner (HR & CE) Department, Salem, filed an objection not to



register any document in respect of the subject property described in the writ proceedings. The said objection letter has been submitted under Section 22-A of the Registration Act, which resulted in filing of the writ petition by the first respondent.

4. The learned counsel for the first respondent would oppose by stating that the Temple could not able to produce any document to establish the title, and therefore, the writ court has granted the relief. In Paragraph No.5 of the impugned Judgment, the learned Single Judge has made an observation that once the District Revenue Officer had come to a definite conclusion after detailed adjudication that the person who sought to have imposed the ban, namely, the HR & CE Department, had not produced any shred of evidence to prove their right, title and interest of the subject property. As it was held by the District Revenue Officer that the HR & CE Department failed to prove their title to the subject property, the first respondent ought to have directed the District Registrar and Sub-Registrar to remove the ban on registration in respect of the subject property.

5. In the opinion of this Court, the findings of the writ court is falling beyond the realm of the powers of judicial review conferred under Article 226 of the Constitution of India. Disputed civil rights between the parties



cannot be adjudicated in a writ proceedings. The power of the judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has been taken in consonance with the statutes and rules in force, but not the decision itself.

6. In the present case, neither the District Revenue Officer nor the Registration Department officials are competent to declare title or determine the civil rights between the parties. It is the civil court, wherein the parties have to establish their respective civil rights through documents and evidences available on record.

7. The Division Bench of this court in the case of ***Sudhar Ravi Kumar and others -vs- Special Commissioner, HR&CE Department***¹ laid down the principles and procedures to be followed, wherein the Division Bench held as follows:-

“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.

¹ (2017) 3 CTC 135



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(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 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."

8. The said legal position laid down by the Division Bench was again reiterated by another Division Bench of this court in the case of

**M.Kadirvel -vs- Inspector General of Registration²** in Paragraph

No.179, which reads as under:-

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“179. Section 68[2] of Registration Act was interpreted to confer power on the District Registrar to cancel the document for irregularities in registration. As this Court has already held that Section 77-A of the Act is unconstitutional as it is contrary to the object of the Act, any circular or order or direction enabling the District Registrar or Registering Officer to cancel registration or invalidating any transaction is unconstitutional and hence, the impugned circular dated 08.11.2017 is declared as unconstitutional. The writ petition stands allowed. ”

9.The finding in the writ order impugned is that the temple has not produced any document to establish title in respect of the subject property and the competent Authority of the Registration Department ought to have removed the ban, which would cause prejudice to the parties to establish their civil rights before the competent civil Court of law. Non-production of documents before the Registering Authority or before the writ Court *per se* would not constitute a civil right for a person, to secure relief from the writ Court. Issues relating to civil rights must be left open to the parties to have effective adjudication by approaching the competent civil Court of law. Therefore, the statutory objections raised by the HR & CE Department under Section 22-A can be removed only after establishing the title by the 1st respondent before the competent civil Court of law.

² (2024) 4 CTC 769



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10. In view of the facts and circumstances and the legal position as discussed above, the writ order deserves to be interfered with. Consequently, the writ order dated 20.12.2024 passed in W.P.No.37965 of 2024 is set aside, and the writ appeal stands allowed. It is for the aggrieved parties to establish their civil rights by approaching the competent court of law.

11. Accordingly, the writ appeal stands allowed. No costs. Connected miscellaneous petition is closed.

(S.M.S.,J.) (M.S.Q.,J.)
19.09.2025

skr
Index : Yes
Speaking order

To

The Executive Officer,
Arulmigu Sendraya Perumal Thirukoil,
Omalur Taluk, Salem District.



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S.M.SUBRAMANIAM, J.
and
MOHAMMED SHAFFIQ, J.

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