



WEB COPY



W.P.No.33537 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

**W.P.No. 33537 of 2025**

**and**

**W.M.P.No.37685 of 2025**

1. C.KANDASAMY

2. K.Subulakshmi

.. Petitioners

Vs

1 THE SUB REGISTRAR

SUB REGISTRAR OFFICE, MOOLANUR,  
TIRUPPUR DISTRICT.

2 A/M.VANJIAMMAN TEMPLE

REP. BY ITS EXECUTIVE OFFICER,  
MOOLANUR, TIRUPPUR DISTRICT.

...Respondents

**Prayer**

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records relating to the impugned order of Refusal Check Slip in RFL/ Moolanur/18/2025 dated 30.04.2025 passed by the 1st respondent and to quash the same, and consequently, to direct the 1st respondent to register sale deed dated 30.04.2025 in respect of the property measuring 3100 5/8 sq.ft. (228.06 sq.mtrs) bearing S.F.No.584 of Moolanur Village, Dharapuram Taluk, Tiruppur District, in favour of one K.Sellamuthu.



WEB COPY



W.P.No.33537 of 2025

For Petitioners : Mr.N.Manokaran

For Respondent-1 : Mr.Abishek Murthy  
Government Advocate

**Order**

By consent, the main Writ Petition is taken for final disposal at the stage of admission itself

2. This Writ Petition is filed challenging the order of Refusal Check Slip dated 30.04.2025 passed by the 1st respondent and to quash the same, and consequently, to direct the 1st respondent to register the sale deed dated 30.04.2025 in respect of the property bearing S.F.No.584 of Moolanur Village, Dharapuram Taluk, Tiruppur District, in favour of one K.Sellamuthu.

3. Mr.N.Manokaran, learned counsel appearing for the petitioners would submit that the petitioners are the absolute owners of the subject property; that the petitioners executed a sale deed in respect of the subject property in favour of one Mr.K.Chellamuthu, however, the same has been



W.P.No.33537 of 2025

refused to be registered by the first respondent by virtue of the impugned order dated 30.04.2025 on the ground that the petitioner has to obtain NOC from the second respondent-Temple Authority, and challenging the same, the present Writ Petition is filed.

**3.1** The learned counsel for the petitioners assailed the impugned order by mainly contending that the petitioners are the absolute owners of the subject property and when the second respondent-Temple has got no right over the property, the question of obtaining NOC from them does not even arise and hence, the learned counsel prays for setting aside the impugned order.

**4.** Mr.Abishek Murthy, learned Government Advocate on instructions from the first respondent, would submit that since the survey of the subject property has been notified by Hindu Religious & Charitable Endowments (H.R.&C.E.) and the respondent No.1 received objection from H.R.& C.E. Department for registration of the subject property in favour of any third party, the first respondent insisted for obtaining NOC from



W.P.No.33537 of 2025

H.R.&C.E. However, the learned Government Advocate fairly submitted that in the light of the decision rendered by the Hon'ble Division Bench of this Court, in the case of **Sudha Ravi Kumar Vs. The Spl. Commissioner & Commissioner of H.R.&C.E. Dept. and others**, reported in (2017) 3 C.T.C. 135. the respondent No.1 would decide the matter after issuing notice to both the parties and conducting enquiry.

5. Heard Mr.N.Manokaran, learned counsel appearing for the petitioners and Mr.Abishek Murthy, learned Government Advocate, who takes notice on behalf of the respondent No.1. Considering the nature of order to be passed herein, notice to the second respondent is dispensed with.

6. The petitioners are the absolute owners of the subject property. They executed a sale deed in respect of the subject property in favour of one Mr.K.Chellamuthu. However, the same has been refused to be registered by the first respondent by virtue of the impugned order dated 30.04.2025 on the ground that the petitioners have to obtain NOC from the second respondent-Temple Authority.



W.P.No.33537 of 2025

**6.1** The bone of contention of the petitioners is that they being the

absolute owners of the subject property, having traced title from their predecessors-in-title and when the second respondent-Temple has got no right, much less, any semblance of title over the subject property in view of the fact that the Settlement Tahsildar has passed orders dated 18.05.1973, in favour of the predecessors-in-title, the first respondent ought not to have refused to register the sale deed and insist the petitioners to obtain NOC from the second respondent-Temple, inasmuch as, the very question of obtaining NOC from second respondent-Temple does not even arise when the subject property does not even belong to them.

**6.2** Per contra, it is the contention of the learned Government Advocate for first respondent that the first respondent has received a proceedings from the second respondent-Temple raising objection with regard to the registration of the subject property in favour of any other third party.



W.P.No.33537 of 2025

7. Be that, as it may, this Court is inclined to follow the decision

rendered by the Hon'ble Division Bench of this Court, in the case of **Sudha**

**Ravi Kumar Vs. The Spl. Commissioner & Commissioner of H.R.&C.E.**

**Dept. and others**, reported in (2017) 3 C.T.C. 135., and for better

appreciation, the operative portion of the said decision is as hereunder:-

" 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.



WEB COPY



W.P.No.33537 of 2025

(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."

"

8. Thus, in the light of the decision rendered by the Hon'ble



W.P.No.33537 of 2025

Division Bench of this Court, in **Sudha Ravi Kumar's** case (referred to **supra**) this Court is inclined to quash the impugned order dated 30.04.2025.

**9.** Accordingly, this Court is inclined to pass/issue the following order/direction:-

i) The impugned order of Refusal Check Slip dated 30.04.2025 passed by the 1st respondent is quashed.

ii) Consequently, the first respondent is directed to issue notice to the second respondent-Temple and conduct an enquiry and thereafter, shall take appropriate decision in the matter, in accordance with law, i.e. with regard to the registration of the sale deed presented by the petitioners dated 30.04.2025

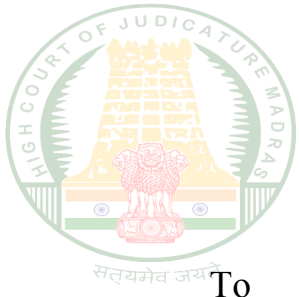
**10.** In the result, the Writ Petition is allowed on the aforesaid terms.

No costs. Consequently, connected Miscellaneous Petition is closed.

**09.09.2025**

sd

Index : yes/no



W.P.No.33537 of 2025

WEB COPY  
To  
THE SUB REGISTRAR  
SUB REGISTRAR OFFICE, MOOLANUR,  
TIRUPPUR DISTRICT.

**Krishnan Ramasamy,J.,**

sd



WEB COPY



**W.P.No.33537 of 2025**

**W.P.No. 33537 of 2025**

**09.09.2025**