



W.P.No.46304 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.46304 of 2025

M.Mohana Gupta

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, R.A.Puram,
Chennai – 600 028.

2.The District Registrar,
Chennai South,
Chennai.

3.The Sub-Registrar,
Office of the Sub Registrar,
Triplicane,
Chennai.

4.The Executive Officer,
Arulmigu Rathina Vinayagar and
Durgaiyamman Thirukoil,

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Whites Road,
Royapettah,
Chennai – 600 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the 3rd respondent pertaining to the refusal check slip No.RFL/Triplicane/23/2023 dated 30.06.2023 and quash the same and consequently direct the 3rd respondent to register the Settlement Deed in TP/154348844/2023 presented by the petitioner in respect of his property.

For Petitioner : Mr.I.Inian

For Respondents 1 to 3 : Mr.Abishek Murthy,
Government Advocate

For Respondent 4 : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
H.R & C.E

ORDER

This writ petition has been filed to call for the records on the file of the 3rd respondent pertaining to the refusal check slip

No.RFL/Triplicane/23/2023 dated 30.06.2023 and quash the same and
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consequently direct the 3rd respondent to register the Settlement Deed in

TP/154348844/2023 presented by the petitioner in respect of his property.

2. Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of respondents 1 to 3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader takes notice on behalf of fourth respondent. By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of 1/4th undivided share in land admeasuring 2975 sq.ft., and the ground floor building area of 1500 sq.ft., at Old Door No.32, New No.30, Whites Road, Royapettah, Chennai, comprised in S.No.325 and New S.No.235/3. The said property was originally belonged to fourth respondent. The petitioner's vendor Mrs.Sarala Devi, who was a tenant under the fourth respondent, purchased the said land, pursuant to Court orders in proceedings under the City Tenants Protection Act. Subsequently, the property was

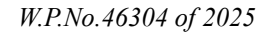


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developed by a family trust formed by Mrs.Sarala Devi and later sold the same to the petitioner and his family. The petitioner owns the ground floor, while his wife and two sons owns the upper floors. Under these circumstances, the petitioner executed a settlement deed in respect of his share of the said property, in favour of his son Mr.M.Vijay Kumar and presented the same before the third respondent for registration. However, the third respondent refused to register the same by issuing a refusal check slip dated 30.06.2023, seeking No-objection certificate from the fourth respondent. Challenging the same, the petitioner has come forward with the present writ petition.

4. After getting instruction, learned Government Advocate appearing for the respondents 1 to 3 would submit that the matter will be decided after issuing due notice and affording an opportunity of personal hearing to the parties concerned as well as to the third parties, in the event of receiving any objection or protest petition. He further submitted that

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Bench of this Court in the case of *Sudha Ravi Kumar and Others Vs.*,

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case is not in dispute. The petitioner is the absolute owner of 1/4th undivided share in land admeasuring 2975 sq.ft., and the ground floor building area of 1500 sq.ft., at Old Door No.32, New No.30, Whites Road, Royapettah, Chennai, comprised in S.No.325 and New S.No.235/3. When the petitioner executed a Settlement Deed dated 30.06.2023 in favour of his son, in respect of the aforementioned property, the third respondent refused to register the same, seeking No-objection from the fourth respondent.



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7. As rightly contended by the learned Government Advocate appearing for the respondents 1 to 3, in the event there is any objection to register the settlement deed, he has to follow the procedure laid by this Court in the case of ***Sudha Ravi Kumar and Others Vs., The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others, dated 05.04.2017, reported in AIR 2017 Mad 203.*** For better appreciation, the relevant paragraphs of the said order is extracted hereunder:

"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



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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 straight away 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



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registered.

(vi) *Consequently the connected miscellaneous petitions are closed. No costs."*

8. In view of the law laid down by the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar and Others Vs., The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others, dated 05.04.2017, reported in AIR 2017 Mad 203***, before issuing the refusal check slip, the third respondent ought to have issued notice to the parties concerned and conducted an enquiry and thereafter, they would have decided the matter. However, without following the same, the third respondent issued the refusal check slip, which is a clear violation of Principles of Natural Justice.

9. In view of the above, this Court is inclined to set aside the impugned order dated 30.06.2023. Accordingly, the same is set aside. Consequently, this Court directs the third respondent to consider the



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settlement deed dated 30.06.2023, upon the re-presentation of the same

by the petitioner, after issuing due notice as well as opportunity of personal hearing to the parties concerned and other persons, in the event of receiving any objection or protest petition and thereafter, take a decision with regard to the registration of the settlement deed.

With the aforesaid direction, this writ petition is disposed of. No costs.

27.11.2025

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order

KRISHNAN RAMASAMY, J.

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