



W.P.(MD) No.3243 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.3243 of 2025

S.V.Vishalatchi

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Board,
Madurai District.

3.The Executive Officer / Assistant
Commissioner,
Arulmigu Subramania Swamy Thirukovil,
Thiruparankundram, Madurai.

4.The Tahsildar,
Thiruparankundram Taluk,
Madurai.

5.The Sub Registrar,
Thiruparankundram,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the fifth respondent to act



W.P.(MD) No.3243 of 2025

accordingly in registering any documents pertaining to the land belonging to the petitioner in R.S.No.114/1C of Thiruparankundram Village, Madurai, after availing detailed report over the said property as to how the third respondent is claiming the rights over the property within a time frame fixed by this Court.

For Petitioner : Mr.M.Gururaj
For R1, R4 & R5 : Mr.P.T.Thiraviam
Government Advocate
For R2 : Mr.P.Subbaraj
For R3 : Mr.David Oliver
for Mr.V.Chandrasekar

ORDER

This Writ Petition seeks a Writ of Mandamus directing the fifth respondent, Sub Registrar, Thiruparankundram, Madurai, to receive the documents pertaining to the property belonging to the petitioner.

2. It is the case of the petitioner that the property situated at R.S.No. 114/1C of Thiruparankundram Village, Madurai South Taluk, Madurai District was developed by the Thirunagar Housing Construction Society Limited and is called Thirunagar. The petitioner purchased the said property on 08.06.1995. After purchasing, the petitioner has put up a



W.P.(MD) No.3243 of 2025

superstructure thereon. She had presented the documents for executing a Sale Deed. She had also approached the fifth respondent through the online portal. The fifth respondent alleges that the application was not processed on account of objections raised by the Executive Officer of Arulmigu Subramania Swami Temple, Thiruparankundram, pleading that the property belongs to the temple. As the processing of the documents was frustrated, the petitioner has approached this Court by way of this Writ Petition.

3. Heard Mr.M.Gururaj for the petitioner, Mr.P.T.Thiraviam, Government Advocate for the first, fourth and fifth respondents, Mr.P.Subbaraj for the second respondent, and Mr.David Oliver representing Mr.V.Chandarasekar, Standing Counsel for third respondent temple.

4. A Division Bench of this Court in ***Sudha Ravi Kumar Vs. The Special Commissioner and Commissioner, H.R. & C.E. Department, Chennai -34***, reported in ***2017 (3) CTC 135***, has laid down the procedure for the Sub-Registrars to follow while presenting the documents for registration. They are extracted hereunder:



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W.P.(MD) No.3243 of 2025

(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 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.

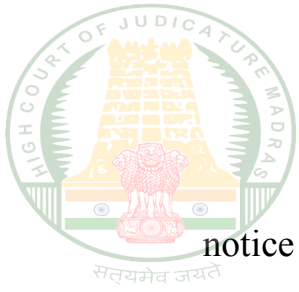


W.P.(MD) No.3243 of 2025

WEB COPY 5. If any objection is raised by a religious institution pleading, that the property for which the document has been presented belongs to that institution, it is the duty of the registering authority to issue a notice to the persons presenting the documents as well as the officers in charge of the religious institution. After that, the registering authority has to adhere to the directions that have been given by the Division Bench of this Court extracted above.

6. It is not open to the registering authority to refuse the receipt of the documents. At this stage, Mr.P.T.Thiraviam, learned Government Advocate, states that the document itself has not been presented by the petitioner till date. This is objected to by the learned counsel for the petitioner, who pleads that the petitioner has received a token number from the authorities and, thereafter, was unable to pursue the application due to the reluctance of the fifth respondent.

7. Be that as it may, the petitioner shall upload the documents for registration, within a period of 1 week from the date of receipt of a copy of this order. On receipt of the document, the fifth respondent shall issue



W.P.(MD) No.3243 of 2025

notice to the third respondent and conduct an enquiry in terms

contemplated by the Division Bench of this Court in the case of **Sudha**

Ravi Kumar referred to *supra* and pass appropriate orders.

8. In the result, this Writ Petition stands disposed of. No costs.

04.02.2025

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

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W.P.(MD) No.3243 of 2025

V.LAKSHMINARAYANAN, J.

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W.P.(MD) No.3243 of 2025

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