



W.P(MD)No.4784 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4784 of 2025
and
W.M.P(MD)Nos.3451 & 3452 of 2025

E.Sakunthaladevi

..Petitioner

Vs

- 1.The Inspector General of Registration,
100, Santhom High Road,
Chennai – 600 028.
- 2.The District Registrar,
Tenkasi District at Tenkasi.
- 3.The Joint Sub Registrar,
Tenkasi, Tenkasi District.
- 4.The Executive Officer,
Arulmigu Illanchikumarar Temple,
Illanchi, Tenkasi District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd respondent /Joint Sub Registrar, Tenkasi vide impugned Check Slip No. RFL/1 dated 14.10.2024 quash the same and further direct the respondents to register the Sale Deed dated 10.10.2024.



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For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

The issue raised in this writ petition has already been resolved by a Division Bench of this Court in **Sudha Ravi Kumar vs. The Special Commission and Commissioner, H.R and C.E., Chennai – 34** reported in **2017(3) CTC 135**. The Division Bench had laid down the manner in which a Sub Registrar must proceed when an objection is given by a religious institution with regard to the presentation of a document.

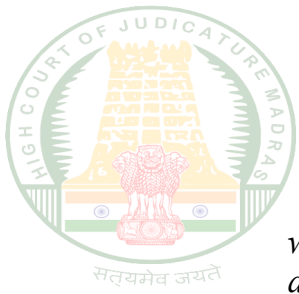
2. The Division Bench has held as follows:-

“25.....

(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



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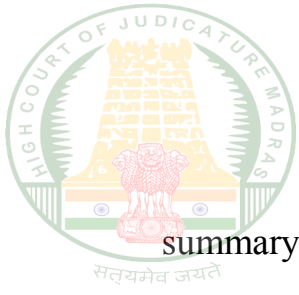
way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(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.....”

3. Instead of adopting the procedure laid down by the Division Bench of this Court, the third respondent herein has issued a refusal check slip. As the order of the third respondent being contrary to the Judgment of the Division Bench, the same is liable to be set aside.

4. Accordingly, this writ petition is allowed and the impugned Check Slip No.RFL/1 dated 14.10.2024 is set aside. The matter is remitted to the third respondent for reconsideration of the issue as per the judgment referred above. The third respondent, in terms of the judgment of the Division Bench, shall issue notice to the petitioner as well as the fourth respondent and conduct



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summary enquiry as directed above and pass order. Depending upon the result of such enquiry, the petitioner and the fourth respondent can work out their rights before the jurisdictional civil court. No costs. Consequently, connected miscellaneous petitions are closed.

21.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

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100, Santhom High Road,
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V.LAKSHMINARAYANAN, J.

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