



W.P(MD)No.4999 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4999 of 2025
and
W.M.P(MD)No.3611 and 3614 of 2025

J.Vivek

... Petitioner

Vs

1.The District Registrar,
O/o. the District Registrar,
Madurai.

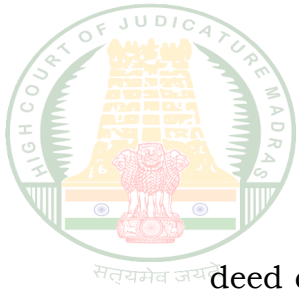
2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Sub Registrar,
Y.Othakadai,
Madurai District.

4.The Sivagangai Samasthana Devasthanam,
Rep. by its Manager,
Sivagangai.

... 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 refusal check slip issued by the 3rd respondent in his proceedings in RFL/Othakadai/Book 2/1/2021 dated 22.03.2021 and quash the same as illegal and consequentially to direct the 3rd respondent to assign document number to the sale



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deed dated 29.12.2020 registered by the 3rd respondent qua the land to an extent of 1500 Sq.ft in Plot No. 9, comprised in S.No. 27/1, Mangalakudi Village, Madurai East Taluk, Madurai District and release the same and consequentially to direct the 3rd respondent to register the documents / deeds qua the land to an extent of 2 Acres 30 cents comprised in R.S.Nos.27/1 and 2 and 27/3B, Mangalakudi Village, Madurai East Taluk, Madurai District in the layout approved by the District Town and County Planning Office, Madurai vide its Approval No.57 of 2020 by his proceedings in Na.Ka.No. 1438/20/Mathi.2 dated 27.11.2020 and sanctioned by the 2nd Respondent vide his proceedings dated 24.12.2020 within the period that may be stipulated by this Court.

For Petitioner : Mrs.H.Jasima Yasmin
for M/s.Ajmal Associates,

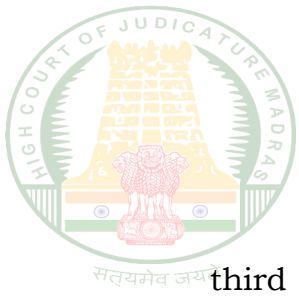
For Respondents : Mr.N. Ramesh Arumugam,
Government Advocate.
(For R1 and R3)

Mr.K.Sivabalan (For R2)

Mr.S.Manohar (for R4)

ORDER

This writ petition is filed to quash the impugned refusal check slip issued by the third respondent in his proceedings in RFL/Othakadai/Book 2/1/2021 dated 22.03.2021, and to direct the

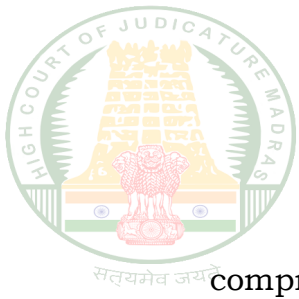


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third respondent to assign document number to the sale deed dated 29.12.2020 registered by him qua the land to an extent of 1500 Sq.ft in Plot No. 9, comprised in S.No. 27/1, Mangalakudi Village, Madurai East Taluk, Madurai District and release the same and consequently, to direct the third respondent to register the documents/deeds qua the land to an extent of 2 Acres 30 cents comprised in R.S.Nos.27/1 and 2 and 27/3B, Mangalakudi Village, Madurai East Taluk, Madurai District in the layout approved by the District Town and County Planning Office, Madurai, vide its Approval No.57 of 2020 by his proceedings in Na.Ka.No.1438/20/Mathi.2 dated 27.11.2020 and sanctioned by the second Respondent vide his proceedings dated 24.12.2020 within the stipulated time.

2. The petitioner states that the property to an extent of 1.10 acres comprised in R.S.No.27/1 and to an extent of 1 acre comprised in R.S.No.27/2 and to an extent of 20 cents comprised in R.S.No. 27/3B situated at Mangalakudi Village, Madurai East Taluk, Madurai District originally belonged to one Rajendran, Minor Edakkanathan and Minor Nanmai Tharuvar by way of a partition deed dated 19.08.1972. The deed was registered as Doc. No.2569 of 1972 on the file of the Joint Sub Registrar No.IV, Madurai. Subsequently, the said Rajendran and Minor Edakkanathan were allotted the property



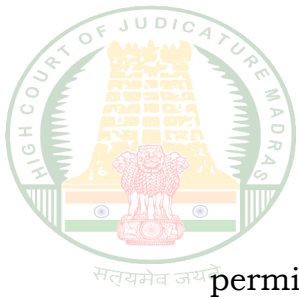
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comprised in R.S.Nos.27/1 and 27/2. They alienated the property in favour of one Saraswathi on 22.03.2000. The said Saraswathi is the petitioner's mother. Saraswathi registered gift two deeds on 08.08.2019 in favour of the petitioner. The gift deeds cover R.S.Nos. 27/1, 27/2 and 27/3B.

3. The petitioner pleads that he got approval to develop the layout in Approval No.57/2020 on 27.11.2020. On the strength of this sanction, he also executed a gift deed in favour of the Commissioner of Madurai Corporation with respect to the roads and common area. He pleads that when he attempted to alienate the property in favour of third parties, the Sub Registrar issued the refusal check slip on 23.12.2020, pointing out that the fourth respondent-Sivagangai Samasthanam Devasthanam, had objected to the alienation of any property covered in the aforesaid survey numbers. The fourth respondent claims that the property belongs to Arulmighu Immayilum Nanmai Tharuvar Thirukovil, Madurai.

4. The petitioner claims that the fourth respondent had earlier filed a writ petition in W.P.(MD) No.16488 of 2020, pleading that the Sub Registrar must not register any document with respect to the property belonging to the aforesaid religious institution without



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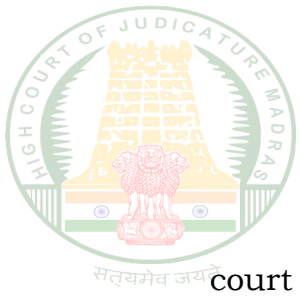
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permission of the Commissioner of the H.R and C.E Department. This writ petition was dismissed on 23.11.2020, holding that the appropriate remedy for the fourth respondent is to approach the jurisdictional civil court. Hence, this petitioner has challenged the order passed by the third respondent dated 22.03.2021 as an unsustainable one.

5. When the matter came up for admission, notice was ordered to the respondents. Mr.N.Ramesh Arumugam, learned Government Advocate, took notice for respondents 1 and 3, and Mr.K.Sivabalan, learned Standing Counsel, took notice for second respondent, and Mr.S.Manohar, learned Standing Counsel, took notice for fourth respondent.

6. I heard Mrs.H.Jasima Yasmin for the petitioner and the other counsels for the respective respondents.

7. Mrs. H.Jasima Yasmin narrated the facts and pointed out that the petitioner's mother had derived title from Rajendran and others, who had partitioned the property at least 50 years ago in the year 1972. She points out that an enquiry has to be conducted by the Sub Registrar in terms of the judgment of the Division Bench of this

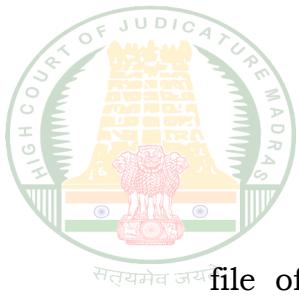


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court in **Sudha Ravi Kumar vs. The Special Commission and Commissioner, H.R. and C.E., Chennai – 34**, reported in **2017(3) CTC 135**. Instead of following the direction of the Division Bench, the Sub Registrar has issued the refusal check slip. Hence, she pleads that the writ petition be allowed and the impugned order be quashed.

8. Per contra, Mr.S.Manohar representing the fourth respondent, pleads that the fourth respondent is the Manager of the Sivagangai Samathanam Devasthanam. He states that the property was endowed in favour of Arulmighu Immayilum Nanmai Tharuvar Thirukovil, Madurai, by one Vadakasi Ammal by way of a registered sale deed dated 10.06.1926. He further pleads that the endowment is for the performance of Arthajama Kattalai and Thiruvandhal Kattalai at the aforesaid temple. He states that any alienation made of a temple property will not bind the religious institution. The exception being permission should have been obtained in terms of Section 34 of the H.R. and C.E. Act, and that not having been taken, the deeds relied upon by the petitioner does not bind the religious institution. He also brings to my notice that insofar as the very property is concerned, two suits for declaration of title and recovery of possession have been presented. They are O.S.No.198 of 2022 on the file of the IV Additional District Judge, Madurai, and O.S.No.484 of 2022, on the



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file of the VI Additional District Judge, Madurai, respectively. He states that the writ petitioner is not a party to these proceedings. All other persons, who have an interest in the property, have been impleaded as parties to the said suits. He states that in all, about 50 suits have been filed by the temple against the persons, who are claiming title over the said property. Hence, he pleads that the order of rejection passed in the year 2021 need not be interfered with by this court.

9. Mr.N.Ramesh Arumugam, learned Government Advocate, appearing for the Registration Department, states that as an objection had been given by the religious institution, the Sub Registrar called upon the petitioner to obtain a “No Objection” certificate from the religious institution for the purpose of further registration.

10. I have carefully considered the submission of all the counsels. I have gone through the records.

11. As rightly contended by Mrs.H.Jasima Yasmin, 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,**



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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.

7. 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 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*



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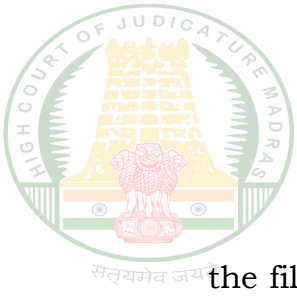


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leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered.....”

12. In normal circumstances, I should have quashed the proceedings and sent the parties before the Sub Registrar to conduct a summary enquiry. However, in the interregnum between 2021, when the impugned order came to be passed, and when this writ petition is filed in the year 2025, the fourth respondent temple has already presented several suits claiming title. Therefore, if I were to send the parties back to the Sub Registrar, they would necessarily have to file a suit for title, which would increase agony and stress for them. Instead, the fourth respondent can be directed to implead the writ petitioner as a party defendant in the suit in O.S.No.198 of 2022 on the file of the IV Additional District Judge, Madurai, and in O.S.No. 484 of 2022 on the file of the VI Additional District Judge, Madurai, and proceed further and obtain a decree on merits.

13. In the light of the above discussion, the impugned order is sustained. The fourth respondent is directed to implead the writ petitioner as a party defendant in O.S.No.198 of 2022 on the file of the IV Additional District Judge, Madurai, and in O.S.No.484 of 2022 on



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the file of the VI Additional District Judge, Madurai. Depending upon the nature of the decree passed in the suits, the parties can proceed further with the matter.

14. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

1. The District Registrar,
O/o. the District Registrar,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The Sub Registrar,
Y.Othakadai,
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V.LAKSHMINARAYANAN, J.

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