



W.P.(MD).No.4950 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.4950 of 2025

Chandrasekar

.. Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar,
Office of the District Registrar,
Tiruchirappalli District.

3.The Sub Registrar,
Srirangam Sub Registrar Office,
Srirangam,
Tiruchirappalli District.

4.Srirangam Aranganatha Swamy Temple,
Represented by its Executive Officer,
Srirangam, Trichy.

.. Respondents

*(R-4 is suo motu impleaded vide Court order
dated 24.02.2025 in W.P.(MD).No.4950 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the entire relevant records related to the impugned Refusal Check Slip issued by the 3rd respondent in RFL/Srirangam/102/2024, dated 27.11.2024 and quash the same as illegal and consequently direct the respondents to register the sale deed produced by the petitioner, vide Acknowledgment Receipt No.TP/202132940/2024, dated 27.11.2024, within a stipulated time that may be fixed by this Court.



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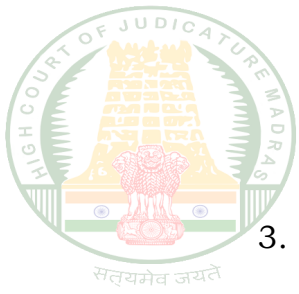
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For Petitioner : Mr.S.P.Prakash
For R-1 to R-3 : Mr.R.Suresh Kumar
Additional Government Pleader
For R-4 : Mr.M.Saravanan

ORDER

The petitioner seeks for a Writ of Certiorarified Mandamus to quash the proceedings of the third respondent dated 27.11.2024 and to direct the third respondent to entertain the sale deed produced by the petitioner on that day.

2. The petitioner states that one Vairapazham Nadar was the owner of the property. He had purchased the same by way of a document in Document No.1767/1985 dated 31.07.1985 and Document No.1782/1986 dated 02.07.1986. The petitioner wanted to purchase the property from the legal heirs of the said Vairapazham Nadar. When they presented the document for registration, the third respondent refused to register the same on the ground that Town Survey No.1887 is shown as “0” value in the guideline register. On verification, the petitioner states that it came to his knowledge that Sri Aranganatha Swamy Temple is staking a claim over the property. Hence, the Executive Officer of Sri Aranganatha Swamy Temple was *suo motu* impleaded as a party respondent and notice was issued to the learned Standing counsel for the temple.



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3. The Joint Commissioner cum Executive Officer of Sri Aranganatha Swamy Temple has filed a counter affidavit stating that the said temple has no claim over the property situated in Ward No.2, Taluk No.38, T.S.No.1887, Thimmarayasamuthiram Village, Srirangam Taluk, Tiruchirappalli District. At that stage, the learned Additional Government Pleader stated that he will get written instructions from the third respondent.

4. When the matter was taken up for hearing today, Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents 1 to 3 stated that the Tahsildar has informed that Town Survey No.1887 has been classified as “Srinivasa Swamy Temple and pathway” and hence, they could not proceed with the registration.

5. I heard Mr.S.P.Prakash for the petitioner, Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents 1 to 3 and Mr.M.Saravanan for the fourth respondent.

6. The position of law has been settled by a judgment of a Division Bench of this Court in Sudha Ravikumar and another Vs. Sub Registrar Vs. Special Commissioner and Commissioner of Hindu Religious and Charitable Endowments Department, Chennai and others, 2017 (4) MLJ 445. In the said judgment, the Division Bench had directed as follows:

“25. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside



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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.

(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



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registering authority shall not withhold the deed which has already been registered.

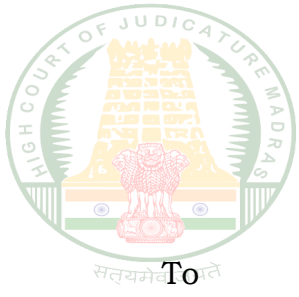
(vi) Consequently the connected miscellaneous petitions are closed. No costs.”

7. A perusal of the impugned order shows that the aforesaid procedure has not been followed in the present case. Hence, the impugned order is set aside. The matter is remitted to the file of the third respondent. The third respondent shall conduct a summary enquiry as directed by the Division Bench. He shall issue notice to the person in-charge of the temple, who have objected to the registration and to the writ petitioner. He shall thereafter pass appropriate orders on the same.

8. This Writ Petition is ordered in the above terms. There shall be no order as to costs.

18.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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V.LAKSHMINARAYANAN,J.

Lm

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