



W.P(MD)No.5885 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5885 of 2025

Shanmuga Priya

..Petitioner

Vs

1.The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

2.The Executive Officer,
Sankaranarayana Swamy Thirukovil,
Sankarankovil,
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 refusal slip in RFL/Sankarankovil/2/2025 dated 09.01.2025 issued by the first respondent and quash the same as illegal and consequently direct the respondents to register the release deed presented by the petitioner's son namely, Manibharathi within a time stipulated by this Court.



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For Petitioner : Mr.M.Arikaran
For Respondents : Mr.P.T.Thiraviam
Govt. Advocate (for R1)

Mr.R.Shanmuganathan for
Mr.VR.Shanmuganathanm (for R2)

ORDER

The writ petition is filed to quash the impugned refusal slip in RFL/Sankarankovil/2/2025 dated 09.01.2025 issued by the first respondent and direct the first respondent to register the release deed presented by the petitioner's son namely, Manibharathi within the stipulated time.

2. The petitioner's husband, one Arumugasamy had purchased property measuring an extent of 0.26.50 hectare comprised in S.No.198B/2 situated at Vadakkupudur Village, Sankarankovil Taluk, Tenkasi District, by way of registered sale deeds dated 19.08.2010 and 06.08.2013. The said Arumugasamy passed away on 25.07.2020. He left behind as legal heirs, the petitioner, and their son, Manibharathi and their daughter, Swetha. Out of natural love and affection, the son and daughter decided to settle the property in favour the writ petitioner. Accordingly, they executed a release deed and presented it for registration before the first respondent. The first respondent



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rejected it under the impugned order stating that the second respondent has given an objection that no sale deed must be registered for the property which is subject matter covered by the document. Hence, this writ petition.

3. I have heard Mr.M.Arikaran for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the first respondent and Mr.R.Shanmuganathan for Mr.V.R Shanmuganathan for the second respondent.

4. Mr.P.T.Thiraviam has produced written instructions from the Sub Registrar stating that on account of the objection that have been given by the Executive Officer of the second respondent Temple on 10.04.2023 in Letter No. 377/2018/A2, the document has not been registered.

5. The position of law is no longer *res integra*. It has been settled by a Division Bench of this Court in **Sudha Ravi Kumar vs. The Special Commissioner and Commissioner, H.R and C.E., Chennai, 2017(3) CTC 135**. The Division Bench has directed the manner in which a Sub Registrar must proceed, when an objection is given by the religious institution with regard to the presentation of the document. The Division Bench held as follows:-



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(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.*

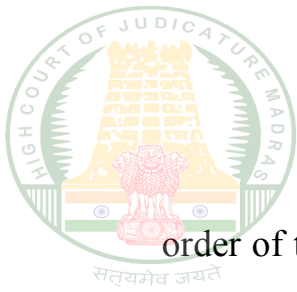
(ii) *If the registering authority, refuses to register any document by accepting the objections raised under [Section 22-A](#) of the Registration Act, the aggrieved may file a statutory appeal under the Act.*

(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.....”*

6. Instead of adopting the procedure laid down by the Division Bench of this Court, the first respondent herein has issued a refusal check slip. As the



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order of the first respondent is contrary to the Judgment of the Division Bench,

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7. Accordingly, this writ petition is allowed and the impugned refusal slip in RFL/Sankarankovil/2/2025 dated 09.01.2025 issued by the first respondent is set aside. The matter is remitted to the first respondent for reconsideration of the issue as per the judgment referred above.

8. The first respondent, in terms of the judgment of the Division Bench, shall issue notice to the petitioner as well as the second respondent. He shall conduct a summary enquiry as directed above and pass orders. Depending upon the result of such enquiry, the petitioner and the second respondent can work out their rights before the jurisdictional civil court. No costs.

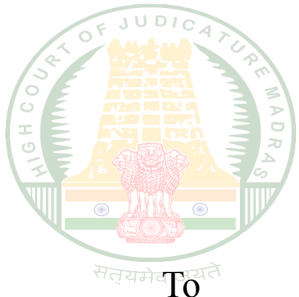
05.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

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1. The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

2. The Executive Officer,
Sankaranarayana Swamy Thirukovil,
Sankarankovil, Tenkasi District.



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V.LAKSHMINARAYANAN, J.

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