



W.P.(MD)No.6351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

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THE HONOURABLE **MR.JUSTICE V. LAKSHMINARAYANAN**

W.P.(MD)No.6351 of 2025 and
WMP(MD).No.4676 of 2025

S. Muthupandi

... Petitioner

vs.

1.The Sub-Registrar,
Sanakarankovil Registrar Office,
Sankarankovil.

2.Arulmigu Sankaranarayana Swamy Temple,
rep. by its Assistant Commissioner / Executive Officer,
Sankarankovil, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned refusal check slip in Refusal No.RFL/ Sanakarankovil / 23/ 2025, dated 11.02.2025 passed by the 1st respondent and quash the same and consequently, direct the 1st respondent to register the sale deed presented by the petitioner, dated 11.02.2025.

For Petitioner : Mr.G. Sailendrababu

For Respondent No.1 : Mr.N.Ramesh Arumugam

For respondent No.2 : Mr.Venkatesh Prasath
Government Advocate
for Mr.VR. Shanmuganathan



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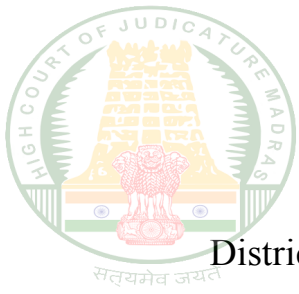
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ORDER

This Writ Petition has been filed to call for the records of the impugned refusal check slip in Refusal No.RFL/ Sanakarankovil / 23/ 2025, dated 11.02.2025 passed by the 1st respondent and quash the same and consequently, direct the 1st respondent to register the sale deed presented by the petitioner, dated 11.02.2025.

2. The petitioner claims that the petitioner's property situated in Survey No.719/5 at Kalappakulam Village, Sankarankovil Taluk, Tenkasi District, belonged to one Samuel, Samuel partitioned the property and 1/3rd share was allotted to each of his heirs. Subsequently, the family of Samuel decided to alienate the property in favour of the writ petitioner. When the document was presented for registration, the first respondent passed the impugned order stating that the 2nd respondent has given objection for registration of the document.

3. According to the 2nd respondent, the property belongs to Arulmigu Sankaranarayana Swamy Temple, Sankaran Kovil, Tenkasi



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District.

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4. On account of his objection, the first respondent directed the petitioner to obtain a “No Objection” Certificate from the 2nd respondent and thereafter, present the document for registration. Challenging the same, the present Writ Petition is filed.

5. I have heard Mr.G.Sailendra Babu, for the petitioner, and Mr.N. Ramesh Arumugam, learned Government Advocate appearing for 1st respondent and Mr.Venkatesh Prasath for Mr.VR.Shanmuganathan for the 2nd respondent.

6. The position of law as to how a Sub Registrar should proceed, when the religious institution objects for registration, has been dealt with by a Division Bench of this Court in ***Sudha Ravikumar and another Vs. The Special Commissioner and Commissioner for Hindu Religious and Charitable Endowments Department, Chennai and two others (AIR 2017 Madras 203)***. The Division Bench gave the following directions.



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



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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.

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

7. It is clear from the impugned order that the first respondent has not followed the Judgment of the Division Bench and has refused to receive the document only on the basis of the objection given by the 2nd respondent. Hence, I am constrained to interfere. The impugned order is quashed.

8. The first respondent shall issue notice to the writ petitioner as well as the 2nd respondent. He shall conduct a summary enquiry. In



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case, he has come to the conclusion the second respondent has an interest in the property, he shall direct the petitioner and his vendor to approach the jurisdictional civil Court. In case he has come to the conclusion the claim of the second respondent is incorrect, he shall register the document and release the same. He shall follow the directions given by the Division Bench as extracted above.

9. Accordingly, this Writ Petition is allowed. No costs.
Consequently, the connected Miscellaneous Petition is closed.

Index :Yes / No
NCC :Yes / No
trp

10.03.2025

To

1.The Sub-Registrar,
Sanakarankovil Registrar Office,
Sankarankovil.

2.Arulmigu Sankaranarayana Swamy Temple,
rep. by its Assistant Commissioner / Executive Officer,
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V. LAKSHMINARAYANAN, J.

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