



W.P.(MD).No.6961 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.6961 of 2025

Jinnath Barveen

.. Petitioner

Vs.

1.The Sub Registrar,
O/o. Sub Registrar,
Sankarankovil,
Tenkasi.

2.The Deputy Commissioner/Executive Officer,
Arulmighu Sankaranarayanawaswamy Thirukovil.
Sankarankovil,
Tenkasi District.

.. Respondents

*(R-2 is suo motu impleaded vide Court order
dated 14.03.2025 in W.P.(MD).No.6961 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order in RFL/Sankarankovil/10/25 from the respondent and quash the same as illegal and consequently directing respondent to register the document dated 28.01.2025 presented by the petitioner.

For Petitioner : Mr.J.Gavin Silvester

For R-1 : Mr.N.Ramesh Arumugam
Government Advocate

For R-2 : Mr.R.Rajesh Kumar
for V.R.Shanmuganathan



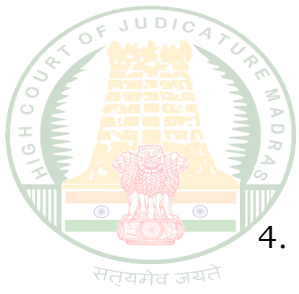
W.P.(MD).No.6961 of 2025

ORDER

WEB COPY This Writ Petition is filed challenging the impugned order of the first respondent in RFL/Sankarankovil/10/25 and consequently, to direct the first respondent to register the document dated 28.01.2025 presented by the petitioner.

2. The case of the petitioner is that one Sainudheen had acquired the property situated in Survey Nos.998/2, 998/4, 998/12 and 998/9 of Therku Sankarankovil Village, Sankarankovil Taluk, Tenkasi District from one Shri Padmanabha Bharatha Kumar. The sale deed was executed in favour of Mr.Sainudheen on 16.06.2015 and was registered as Document No.1769/2015. The said Sainudheen had executed a deed of power of attorney appointing the writ petitioner as his power agent.

3. Pursuant to the power, the petitioner identified one Muthukumar to purchase the aforesaid property. She executed a sale deed dated 28.01.2025 and presented the same for registration. The first respondent refused to register the sale deed and issued a refusal check slip on 29.01.2025 on the ground that the Executive Officer of Shri Sankaranarayanaswamy Thirukovil had given an objection for registration of the property situated in Survey Nos.998/2, 998/4, 998/12 and 998/9, claiming that the property belongs to the temple. Hence, this Writ Petition.

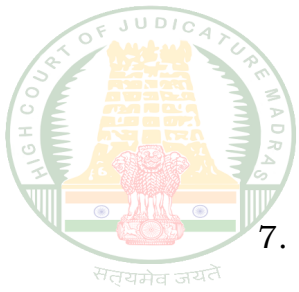


W.P.(MD).No.6961 of 2025

4. The Deputy Commissioner/Executive Officer, Arulmighu Sankaranarayanawaswamy Thirukovil. Sankarankovil, Tenkasi District is a proper and necessary party to the Writ Petition. Hence, he is *suo motu* impleaded as the second respondent. Mr.V.R.Shanmuganathan takes notice for the second respondent. Registry is directed to carry out necessary amendments in the cause title.

5. I heard Mr.Gavin Silvester for the writ petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the first respondent and Mr.R.Rajesh Kumar representing Mr.V.R.Shanmuganathan for the second respondent.

6. The position of law, as to how a Sub Registrar must proceed when an objection has been given by a religious institution, has been settled by 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***. The view taken in *Sudha Ravikumar's* case has been reiterated by yet another Division Bench of this Court in ***M.Kathirvel Vs. Inspector General of Registration and others, 2024 (4) CTC 769***.



7. The Division Bench had held that when an objection is made by a religious institution, the Sub Registrar should do the following:

“25. 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 for declaration of title and other relief without availing the opportunity for filing a statutory appeal.



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W.P.(MD).No.6961 of 2025

(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.”

8. Without adhering to the judgment of the Division Bench, the impugned order has been passed in the present case. Therefore, the impugned order is quashed. The first respondent shall receive the sale deed presented by the petitioner dated 28.01.2025. He shall thereafter issue notice to the Executive Officer of Shri Sankaranarayaswamy Thirukovil and call upon the temple to produce the documents in support of their case. After conducting a summary enquiry, the Sub Registrar shall proceed further. In case, he comes to the conclusion that the claim made by the temple is not sustainable, he shall proceed to register the sale deed. In case he comes to the conclusion that the claim made by the temple is tenable, he shall pass appropriate orders thereafter. In either case, the second respondent temple and the petitioner will be entitled to work out their rights before a Civil Court thereafter.



W.P.(MD).No.6961 of 2025

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9. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

14.03.2025

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

To
The Sub Registrar,
O/o. Sub Registrar,
Sankarankovil,
Tenkasi District.



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W.P.(MD).No.6961 of 2025

V.LAKSHMINARAYANAN,J.

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W.P.(MD).No.6961 of 2025

14.03.2025