

W.P(MD)No.8255 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8255 of 2025

Jaisankar @ Jayasankaran

..Petitioner

Vs

1.The Sub Registrar,
Kaadhakinaru Sub Registrar Office,
Madurai District.

2.The Executive Officer,
Arulmigu Kallazhagar Temple,
Melur Taluk,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai.

..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 order No.3/2025 dated 10.03.2025 of the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to register the document presented by the petitioner for registration within the period that may be stipulated by this Court.



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For Petitioner : Mr.Vallarasu Chezhiyan

For Respondents : Mr.R.Sureshkumar
Addl. Govt. Pleader (RR1 & 3)

Mr.S.Manohar (R2)

ORDER

The petitioner seeks to quash the impugned order No. 3/2025 dated 10.03.2025 passed by the first respondent and to direct the first respondent to register the document presented by the petitioner for registration.

2. Mr.Vallarasu Chezhiyan for the petitioner pleads that the property comprised in S.Nos.59/17, 73/7, 132/1, 133/2A, 133/2B, 136/3A, 136/3B, 219/1, 221/2, 221/3A, 222/1, 222/2, 222/4A, 223/4, 224/11, 224/12, 225/6, 226/15, 55/3B2, and 68/4B, respectively situated in Kallandhiri Bit-1, Madurai East Taluk, Madurai District, belongs to the petitioner by way of a registered release deed dated 22.12.2004. On the basis of the release deed, the petitioner had also mutated the revenue records in his favour. The petitioner wanted to settle the property in favour of his wife, Nithya, and presented a document for registration. The respondent did not



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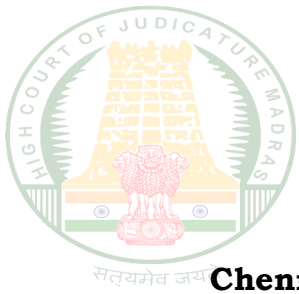
register the release deed insofar as S.No.73/7 is concerned, pointing out that the second respondent temple had raised an objection with respect to the said property. Considering the objection raised, the first respondent heard the writ petitioner and the Executive Officer of the second respondent temple. Thereafter, he passed the impugned order.

3. When the matter came up for admission, Mr.S.Manohar took notice for the second respondent, and Mr.R.Sureshkumar took notice for the respondents 1 and 3.

4. Mr.S.Manohar pleads that the property situated in S.No.73/7 has been continuously listed in the property register of the Sub Registrar from the year 1938 onwards. He states that there is a dispute over its title, it cannot be settled by the first respondent, and the appropriate remedy lies only before the jurisdictional civil court.

5. I have carefully considered the submission of Mr.S.Manohar.

6. 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.,**



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Chennai – 34, 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.*



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8. Since the objection with respect to the property in S.No.73/7 had been positively considered in favour of the second respondent by the first respondent, the remedy for the petitioner is only to approach the jurisdictional civil court and prove his title to the property.

9. In the light of above discussion, this writ petition is dismissed. It is left open to the petitioner to approach the jurisdictional civil court. No costs.

25.03.2025

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

To

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V.LAKSHMINARAYANAN, J.

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