



W.A.(MD)Nos.218 of 2019 & 463 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)Nos.218 of 2019 & 463 of 2020

and

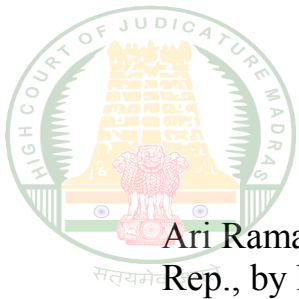
C.M.P.(MD)Nos.1822 of 2019 & 3310 of 2020

W.A.(MD)No.218 of 2019

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The District Registrar,
Ramanathapuram District,
Ramanathapuram.
- 3.The Sub Registrar,
Velipattinam Sub Registrar Office,
Ramanathapuram.
- 4.The Inspector of Temples,
HR & CE Department,
Ramanathapuram,
Rep., by Trustee Arulmigu Agnibahadrasamy
Temple, Kannagi Street, Ramanathapuram,
Ramanathapuram District.

... Appellants

-Vs-



W.A.(MD)Nos.218 of 2019 & 463 of 2020

Ari Raman,
Rep., by his Power Agent, Senthil Kumar

... Respondent

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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.07.2018 made in W.P.(MD)No.10976 of 2015 on the file of this Court.

For Appellants : Mr.S.Shaji Bino,
Special Government Pleader

For Respondent : Mr.C.Jeganathan,
for M/s.Veera Associates

W.A.(MD)No.463 of 2020

V.Rajendran

... Appellant / 3rd Party

-Vs-

1.Ari Raman,
Rep., by his Power Agent, Senthil Kumar

2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

3.The District Registrar,
Ramanathapuram District,
Ramanathapuram.

4.The Sub Registrar,
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6. The Inspector of Temples,
HR & CE Department,
Ramanathapuram,
Rep., by Trustee Arulmigu Agnibahadrasamy
Temple, Kannagi Street, Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.07.2018 made in W.P.(MD)No.10976 of 2015 on the file of this Court.

For Appellant	: Mr.Ananth C.Rajesh
For R1	: Mr.C.Jeganathan, for M/s.Veera Associates
For R2 to R4	: Mr.S.Shaji Bino, Special Government Pleader
For R5	: Mr.P.Subbaraj, Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***]

These intra-Court appeals have been instituted, challenging the order of the Writ Court dated 16.07.2018 made in W.P.(MD)No.10976 of 2015.

2.W.A.(MD)No.218 of 2019 has been instituted by the Registration Department of the Government of Tamil Nadu and W.A.(MD)No.463 of 2020 has



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been instituted by one V.Rajendran, who is a third party to the Writ proceedings and by securing leave from this Court, he has instituted the Writ Appeal.

3.The respondent in W.A.(MD)No.218 of 2019 / 1st respondent in W.A. (MD)No.463 of 2020 / Ari Raman (hereinafter referred to as 'the respondent') filed the said Writ Petition, challenging the order of the District Registrar, Ramanathapuram dated 27.03.2015, refusing to register the rectification deed presented for registration under Section 17 of the Registration Act (hereinafter referred to as 'the Act'). The reason stated by the registering authority in the order dated 27.03.2015 is that the subject property in the document presented belongs to the temple and more so, there was an objection submitted by the temple authorities and HR & CE Department for registering any document pertaining to the subject property. Based on the objections, the registering authority refused to register the document presented by the respondent for registration.

4.The learned counsel for the respondent / Ari Raman would mainly contend that the title of the respondent was declared in a suit, which was instituted in the year 1980 and the matter went upto Second Appeal and the respondent succeeded. That being so, the document presented by him should have been registered by the registering authority and therefore, the reason for refusal is untenable.



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5.The learned Special Government Pleader appearing for the appellants in W.A.(MD)No.218 of 2019 and the learned counsel appearing for the appellant in W.A.(MD)No.463 of 2020 would oppose by stating that title itself is in dispute. The land belongs to temple and the decree at this length of time alone cannot be a basis, since the HR & CE Department and the temple authorities are possessing documents to establish that the subject property belongs to the temple. Based on the document available with the temple authorities, objections are submitted under Section 22A of the Act and accordingly, the document presented by the respondent for registration was refused by the registering authority and therefore, there is no infirmity committed by the registering authority. However, the Writ Court made a finding that the suit was decreed in favour of the respondent and therefore, his title is made clear and thus, the document presented must be registered. Such a finding is in violation of the spirit of Section 22A of the Act and thus, these Writ Appeals are to be considered.

6.This Court has considered the rival submissions made between the parties to the lis on hand.



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7.It is the case, where the document has been presented for registration under the Act. The first issue to be considered is whether the registering authority is empowered to refuse registration under the provisions of the Act. In the present case, the appellants are claiming that the subject property in the document belongs to the temple. The respondent claims that he is the title holder of the property and the suit is decreed in his favour. Under these circumstances, admittedly, the dispute regarding the ownership exists.

8.Section 22A of the Act provides power to the registering authority for refusal to register certain documents. Section 22A(1)(ii) stipulates that notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely: -

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease, -

.....

(ii) belonging to or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;



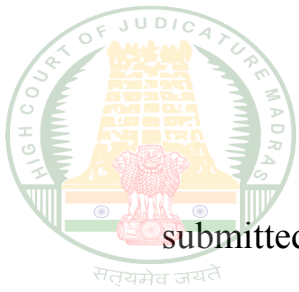
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9.A plain reading of the above provisions would indicate that the properties belonging or given or endowed for the purpose of any religious institution to which HR & CE Act is applicable. Then, the registering authority is empowered to refuse to register the document. In the present case, admittedly, the temple authorities have submitted an objection for registering the document in respect of subject property. Based on the said objection, the registering authority refused to register the documents presented by the presentee for registration under Section 17 of the Act.

10.As far as the action of the registering authority is concerned, this Court do not find any infirmity, since the refusal to register the document is in consonance with the express provision under Section 22A of the Act.

11.The question arises for consideration is, whether the registering authority is empowered to adjudicate the disputed facts relating to civil rights between the parties. Undoubtedly, such an exercise cannot be undertaken by the registering authority and the legal position in this regard is well settled by the Courts across the Country. The registering authority is bound by the provisions of the Act and Rules framed therein. In the present case, when an objection is



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submitted under Section 22A of the Act, he is empowered to refuse registration of a document and in such circumstances, the parties have an option to resolve the issue by approaching the civil Court of law. The civil Court alone is competent to decide the civil rights between the parties. In the event of adjudicating the documents presented by any of the parties in a Writ proceedings or before the registering authority, there is likelihood of causing prejudice to either of the parties and it may lead to miscarriage of justice. Before registering any document under the Act, the authorities competent must be made clear that the presentent has got a right to present such document for registration. In the event of any doubt or objections under the Act, the registering authority is empowered to refuse registration and the matter is to be relegated to civil Court for adjudication of the disputed issues between the parties. The Civil Court decree alone would not confer title *per se*. Title is to be established beyond doubt. Under Section 34 of HR & CE Act, sale of Temple property is null and void. Thus, decree alone is insufficient.

12.The power under Article 226 of Constitution of India is to ensure the process through which the decision has been taken by the competent authority in accordance with the provisions of the Act and Rules, but not the decision itself. In the event of any adjudication of disputed facts in a Writ proceedings, more



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specifically, regarding the civil rights, it is impermissible and that being the reason, this Court is of the considered opinion that the order of the Writ Court is to be interfered with.

13.In view of the facts and circumstances, the order of the Writ Court dated 16.07.2018 made in W.P.(MD)No.10976 of 2015 is set aside and these Writ Appeals are allowed accordingly. The parties are at liberty to establish their respective civil rights before the competent civil Court of law. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S, J.] & [A.D.M.C., J.]

09.07.2025

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NCC : Yes / No

Index : Yes / No

Yuva

To

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