



W.P.(MD)No.10517 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2025**

CORAM

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

W.P.(MD)No.10517 of 2025

Praveenkumar

... Petitioner

vs.

1. The Sub Registrar,
Office of Sub Registrar,
Karur West,
Karur District.

2. The Executive Officer,
Arulmigu Solaraja Swami Thirukovil,
Lakshminarayana Sumudram Village,
Karur 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 pertaining to the impugned refusal chek slip vide Refusal No. RFL/Melakarur/29/2025 dated 08.03.2025 issued by the 1st respondent and quash the same consequently direct the 1st respondent to register the petitioner's sale deed document dated 05.02.2025 within time frame as fixed by this Court.

For Petitioner :Mr.M.Vivek Kumar

for Mr.D.S.Haroon Rasheed

For Respondents :Mr.P.T.Thiraviyam (R1)

Government Advocate



WEB COPY



W.P.(MD)No.10517 of 2025

Mr.K.S.Selvaganesan (R2)

Additional Government Pleader

ORDER

The petitioner claims that he had purchased the property situated in S.No.228/2 of Lakshminanaraya Samudram Village, Karur District, on 13.06.2012. Alienation was made by one Selvi in his favour registered as Document No.4164/2012. On the strength of the sale deed, he had also mutated the revenue records in his favour and obtained patta in Patta No.1044. The petitioner intended to alienate the property in favour of one Dhakshinamoorthy and executed a sale deed on 05.02.2025. When the document was presented for registration, it was outrightly refused by the impugned order stating that the second respondent, Arulmigu Solaraja Swami Thirukovil, Lakshminarayana Sumudram Village, Karur District, had given objections to the same. Hence, this writ petition.

2. I heard Mr.M.Vivek Kumar, for Mr.D.S.Haroon Rasheed for petitioner and Mr.P.T.Thiraviyam, learned Government Advocate for the first respondent and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the second respondent. I have gone through the records.

2/6



WEB COPY

3. The position of law applicable to the present case 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***. The Bench directed that when an objection against registration is lodged by a religious institution, a Sub Registrar cannot straight away reject the document. He has to conduct a preliminary enquiry to find out whether the executant has prima facie title or whether the claim of the temple is tenable. Depending upon the result of the summary enquiry, the Sub Registrar has to either reject the document or register the same. The relevant portion of the Division Bench judgment is paragraph 25, which is extracted hereunder:-

“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.



WEB COPY



W.P.(MD)No.10517 of 2025

(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.



WEB COPY



W.P.(MD)No.10517 of 2025

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

4. In the present case, without following the aforesaid directions, the Sub Registrar straight away rejected the document. Hence, the impugned order is quashed. The Sub Registrar shall issue notice to the petitioner and the second respondent and conduct a summary enquiry and thereafter, take a call on the registration. The first respondent shall initiate preliminary enquiry on **01.05.2025** on which date, the petitioner and the second respondent shall appear before the authority at **10.30 a.m.** Proceedings shall be completed within four weeks from 01.05.2025.

5. With the above direction, this writ petition is allowed. There shall be no order as to costs.

Index :Yes / No
NCC :Yes / No
Sm

16.04.2025



WEB COPY



W.P.(MD)No.10517 of 2025

V. LAKSHMINARAYANAN, J.

Sm

To:-

1. The Sub Registrar,
Office of Sub Registrar,
Karur West,
Karur District.
2. The Executive Officer,
Arulmigu Solaraja Swami Thirukovil,
Lakshminarayana Sumudram Village,
Karur District.

W.P.(MD)No.10517 of 2025

16.04.2025