

W.P.(MD)No.10678 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2025

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

W.P.(MD)No.10678 of 2025

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Petitioner

Vs

1 The Sub Registrar,
Registration Department,
Uppliyapuram,
Thuraiyur Taluk,
Trichy District.

2 The Executive Officer,
Arulmighu Venugopalasamy Thirukovil,
Sobanapuram,
Thuraiyur Taluk,
Trichy District.

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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 relating to the impugned order passed by the 1st Respondent in Refusal Number RFL/Uppliyapuram/43/2025, dated 12.03.2025, and quash the same and consequently direct the 1st Respondent to register the sale deed, dated 05.03.2025, and release the same in respect of the property comprised in S.No.776/3 at Sobanapuram Village, Thuraiyur Taluk, Trichy District.



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W.P.(MD)No.10678 of 2025

For Petitioner :Mr.S.Vinayak

For Respondent 1 : Mr.R.Suresh Kumar,
Addl. Government Pleader.

For Respondent 2 : Mr.S.Shanmugam,
for Mr.G.Madhavan.

ORDER

The petitioner seeks for the following relief :

“Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st Respondent in Refusal Number RFL/Uppliyapuram/43/2025, dated 12.03.2025, and quash the same and consequently direct the 1st Respondent to register the sale deed, dated 05.03.2025, and release the same in respect of the property comprised in S.No.776/3 at Sobanapuram Village, Thuraiyur Taluk, Trichy District.”

2. The petitioner states that he purchased the property situated in S.No.776/3, to an extent of 27 cents, at Sobanapuram Village, Thuraiyur Taluk, Trichy District, from one G.Prabhavathi. The document, dated 23.07.2021, was registered on the file of the first respondent, as Doc.No.1252/2021.

3. The petitioner pleads that he had intended to alienate the property in favour of Kannan and Dhanraj and presented a sale deed



W.P.(MD)No.10678 of 2025

on 12.03.2025. The first respondent refused to register the sale deed under the impugned order stating that an objection has been given by the second respondent. The objection of the second respondent is that the aforesaid property belongs to Arulmighu Venugopalasamy Thirukovil, Sobanapuram Village, Thuraiyur Taluk, Tiruchirapalli District. Challenging the same, the present Writ Petition.

4. I have heard Mr.S.Vinayak for the petitioner; Mr.R.Suresh Kumar, Additional Government Pleader for the first respondent; and Mr.S.Shanmugam, representing Mr.G.Madhavan, for the second respondent.

5.The position of law, when an objection is made by a religious institution against the registration of a title deed, has been settled by a Division Bench of this Court in ***Sudha Ravikumar vs Special Commissioner and Commissioner of HR & CE, AIR 2017 Mad 203***. The Bench held as to how a Sub Registrar should proceed in such cases. It has been set out in paragraph 25 of the said judgment, 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



W.P.(MD)No.10678 of 2025

WEB COPY

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.

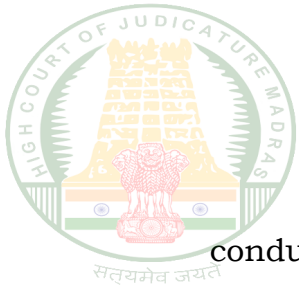
(iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under [Section 22-A](#) of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.

(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."

6. As the first respondent has not followed the procedure laid down by this Court in the aforesaid judgment, I am constrained to interfere with the impugned order.

7. Accordingly, this Writ Petition is allowed. The impugned order, dated 12.03.2025, passed by the first respondent is quashed. The first respondent shall issue notice to the petitioner as well as to the second respondent or any other persons authorised by him and



W.P.(MD)No.10678 of 2025

conduct a preliminary enquiry to decide whether the objection made by the Temple stands *prima facie* scrutiny.

8. In case, the first respondent comes to a conclusion that the objection made by the Temple is tenable, he shall issue a refusal check slip. The petitioner can, thereafter, approach the jurisdictional civil Court to workout his right in accordance with law. In case, the first respondent comes to a conclusion that the objection made by the Temple is untenable, he shall reject the same and proceed with registration. The said exercise shall be completed within a period of twelve weeks from today. No costs.

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

17.04.2025
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To

- 1 The Sub Registrar,
Registration Department,
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5/6



WEB COPY



W.P.(MD)No.10678 of 2025

V. LAKSHMINARAYANAN, J.

dixit

W.P.(MD)No.10678 of 2025

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17.04.2025