



W.P.(MD).No.10921 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.10921 of 2025

Mohamed Abubakkar

.. Petitioner

Vs.

1.The Sub Registrar,
Illupur,
Pudukkottai District.

2.Thirunallur Mosque,
represented by its Muthavalli,
Thirunallur Village,
Illuppur Taluk,
Pudukkottai District.

.. Respondents

*(R-2 is suo motu impleaded vide Court order
dated 22.04.2025 in W.P.(MD). No.
10921 of 2025)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records of the respondent pertaining to the refusal check slip dated 15.03.2025 in RFL/Illupur/40/2025 issued by the respondent, thereby refusing the process of registration and quash the same as illegal and arbitrary and in consequence thereof, direct the respondent to register the settlement deed dated 14.03.2025 presented in favour of the petitioner at once.

For Petitioner : Mr.B.Sekar

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader



W.P.(MD).No.10921 of 2025

ORDER

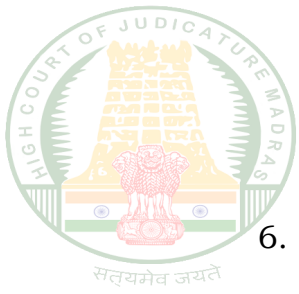
The Writ Petition is filed challenging the refusal check slip dated 15.03.2025 in RFL/Illupur/40/2025 issued by the first respondent, thereby refusing the process of registration and in consequence thereof, to direct the first respondent to register the settlement deed dated 14.03.2025 presented in favour of the petitioner at once.

2. Thirunallur Mosque, represented by its Muthavalli, Thirunallur Village, Illuppur Taluk, Pudukkottai District is *suo motu* impleaded as the second respondent to the Writ Petition. Registry is directed to carry out the necessary amendment.

3. As no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

4. Heard Mr.Sekar for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent.

5. The petitioner presented a settlement deed for registration on 15.03.2025. It was refused to be registered by the first respondent on the ground that the property belongs to the second respondent, as is evident from the 'A' Register. Challenging the same, the present Writ Petition.



W.P.(MD).No.10921 of 2025

6. Mr.Sekar for the petitioner states that the property situated in S.F. No.61/3C, Thirunallur Village, Illuppur Taluk, Pudukkottai District is an exclusive property of the petitioner's father, Abdul Razak. He states that Abdul Razak is no more and an arrangement had been reached between the siblings, by which, a settlement deed had been made in favour of the writ petitioner. He pleads that the second respondent Mosque has no right over the property and therefore, rejection of the document is illegal.

7. Per contra, Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent states that Section 22-A of the Registration Act throws a bar to register the properties, which stand in the name of the religious institution and hence, the impugned order is correct.

8. I have carefully considered the submissions of both sides. I have gone through the records.

9. The issue as to how a Registering Officer must proceed when an objection is given by a religious institution, has been settled by a Division Bench of this Court in ***Sudha Ravikumar and another Vs. Special Commissioner and Commissioner of Hindu Religious and Charitable Endowments Department, Chennai and others, 2017 (4) MLJ 445***. The manner of disposal has been indicated in paragraph 25 of the judgment, which is extracted hereunder:



WEB COPY



W.P.(MD).No.10921 of 2025

“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.

(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



WEB COPY



W.P.(MD).No.10921 of 2025

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.”

10. A perusal of the impugned order shows that the Sub Registrar has not followed the said procedure. Hence, the impugned order is set aside. The Sub Registrar shall issue notice to the petitioner and the second respondent. He shall call upon the parties to produce their respective records. After conducting a summary enquiry, he shall decide whether to proceed with registration or to reject the document. He shall give reasons for arriving at such conclusion.

11. If the Sub Registrar concludes that the second respondent has no title, he shall proceed and register the document. Contrarily, if he comes to the conclusion that the second respondent has title, he shall refuse to register the document and relegate the writ petitioner to civil proceedings.

12. Accordingly, the Writ Petition is ordered. There shall be no order as to costs.



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W.P.(MD).No.10921 of 2025

22.04.2025

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

To
The Sub Registrar,
Illupur,
Pudukkottai District.



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W.P.(MD).No.10921 of 2025

V.LAKSHMINARAYANAN,J.

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W.P.(MD).No.10921 of 2025

22.04.2025