

W.P.(MD)No.10630 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.04.2025

CORAM

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

W.P.(MD)No.10630 of 2025

Gandhi

... Petitioner

vs.

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
O/o. the Sub Registrar Office,
Gujiliamparai, Dindigul District.

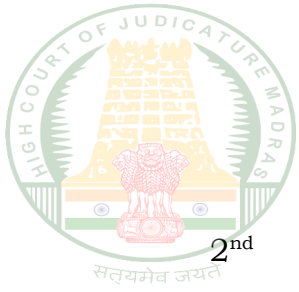
3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai, Madurai District.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul, Dindigul District.

5.The Inspector,
Hindu Religious and Charitable Endowment Department,
Vedasendur, Vedasendur Taluk,
Dindigula 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 check slip issued by the



W.P.(MD)No.10630 of 2025

2nd respondent herein in his proceedings in Refusal Number. RFL/Gujiliamparai/26/2025 dated 04.04.2025 and quash the same as illegal and consequently, to direct the 2nd respondent to register the sale deed presented by the petitioner dated 04.04.2025.

For Petitioner	:Mr.S.Sarvagan Prabhu
For R1 and R2	:Mr.P.T.Thiraviyam Government Advocate
For R3 to R5	:Mr.K.S.Selvaganesan Additional Government Pleader

ORDER

The petitioner seeks for the following relief:

“Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the 2nd respondent herein in his proceedings in Refusal Number. RFL/Gujiliamparai/26/2025 dated 04.04.2025 and quash the same as illegal and consequently, to direct the 2nd respondent to register the sale deed presented by the petitioner dated 04.04.2025.”

2.The petitioner states that he purchased the property situated in S.Nos.919/14, 919/15, 919/16 and 919/17 of Vadukanpadi Village, Gujiliamparai Taluk, Dindigul District, from two persons, namely, Chinnappan and Muthusamy. The document, dated 13.09.2010, was registered on the file of the second respondent, as

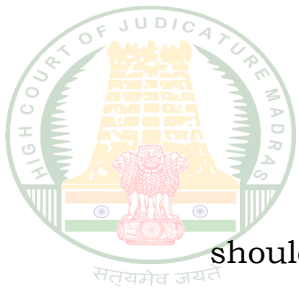


W.P.(MD)No.10630 of 2025

Doc.No.1702/2010. The petitioner pleads that he intended to alienate the property in favour of one S.K.Karmegam and had presented a sale deed on 04.04.2025. The second respondent refused to register the sale deed under the impugned order stating that an objection has been given by the fourth respondent. The objection of the fourth respondent is that the aforesaid property belongs to Arulmighu Varadharaja Perumal Thirukovil, Vadukanpadi Village, Gujiliamparai Taluk, Dindigul District. Challenging the same, the present Writ Petition.

3.I have heard Mr.S.Sarvagan Prabhu for the petitioner, Mr.P.T.Thiraviyam learned Government Advocate for the respondents 1 and 2 and Mr.D.Selvaganesan learned Additional Government Pleader for the respondents 3 to 5.

4.The position of law that when an objection is made by a religious institution against the registration of a title deed has been settled by a judgment of 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 circumstances. Paragraph 25 of the said

judgment 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.

(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.”



W.P.(MD)No.10630 of 2025

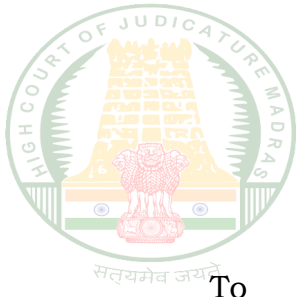
WEB COPY

5.As the second respondent has not followed the procedure laid down by this Court in the aforesaid judgment, I am constrained to interfere.

6.The Writ Petition is allowed. The impugned order, dated 04.04.2025, passed by the second respondent is quashed. The second respondent shall issue notice to the petitioner as well as to the third respondent or any other persons authorised by him and shall conduct a preliminary enquiry to decide whether the objection made by the Temple stands *prima facie* scrutiny. In case, the second respondent comes to conclusion that the objection made by the Temple is tenable, he shall pass an appropriate order. The petitioner can, thereafter, approach the jurisdictional civil Court to workout his right in accordance with law. In case, the second respondent comes to a conclusion that the objection made by the Temple is untenable, he shall reject the same and proceed with registration. No costs.

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

17.04.2025



W.P.(MD)No.10630 of 2025

To
WEB COPY

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
O/o. the Sub Registrar Office,
Gujiliamparai, Dindigul District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai, Madurai District.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul, Dindigul District.

5.The Inspector,
Hindu Religious and Charitable Endowment Department,
Vedasendur, Vedasendur Taluk,
Dindigula District.



WEB COPY



W.P.(MD)No.10630 of 2025

V. LAKSHMINARAYANAN, J.

cmr

W.P.(MD)No.10630 of 2025

17.04.2025