

W.P.(MD)No.12566 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.12566 of 2025

Madhavan

... Petitioner

vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

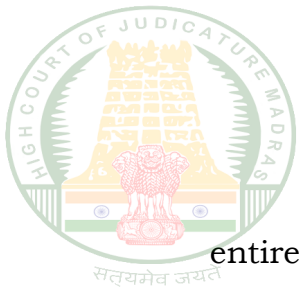
2.The Superintendent of Wakf Board,
No.8/124, II Floor,
Kayithe Millath Road,
Palakarai,
Trichy 620 008.

3.The District Registrar,
Registration Department,
Collectorate Additional Building,
Thanthonimalai 639 102,
Karur District.

4.The Sub Registrar,
Melakarur Sub Registrar Office,
Melakarur,
Karur Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the



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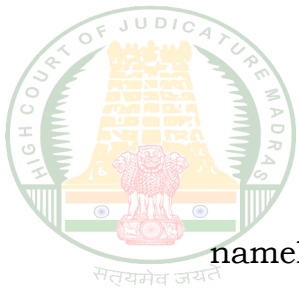
entire records pertaining to the impugned Refusal Check Slip issued by the 4th respondent, dated 07.03.2025 and quash the same as illegal and to direct the 4th respondent to register the sale deed executed by the petitioner's father in favour of the petitioner on 07.03.2025 regarding the properties situated in Survey Nos.561/2A, 563/1A and 563/2 to the extent of 9908 sq.ft., in Thanthonimalai Village, Karur Taluk, Karur District, within a time frame as fixed by this Court.

For Petitioner	:Mr.P.Santhana Krishnan
For R1 & R2	:Mr.R.Yash Ahamed for Mr.Haroon Rasheed
For R3 & R4	: Mr.N.Ramesh Arumugam Government Advocate

ORDER

This Writ Petition is filed challenging the impugned order of the fourth respondent in RFL/Melakarur/28/25 and consequently, to direct the fourth respondent to register the sale deed executed by the petitioner's father in favour of the petitioner on 07.03.2025

2.The case of the petitioner is that the property in S.Nos. 561/2A, 563/1A and 563/2 of Thanthonimalai Village, Karur Taluk and District belonged to his paternal grandfather, Venkatachala Goundar. After the death of Venkatachala Goundar, his legal heirs,

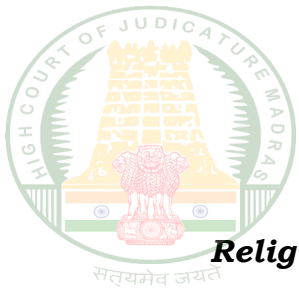


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namely, his wife, Kaliasammal, his son/the petitioner's father, Ramasamy and the petitioner's paternal uncle, Manoharan were enjoying the properties. They entered into a partition deed on 03.11.2010. It was registered before the fourth respondent as Doc.No. 10657 of 2010. Based on the partition deed dated 03.11.2010, the petitioner's father executed a sale deed in favour of the petitioner on 07.03.2025 and presented the document for registration. The fourth respondent issued the impugned refusal check slip, refusing to register the document on the ground that the petitioner is bound to produce a 'No Objection Certificate' of the respondents 1 and 2/Wakf Board. Hence, this Writ Petition.

3.I heard Mr.P.Santhana Krishnan for the writ petitioner, Mr.Ryash Ahamed representing Mr.Haroon Rasheed for the respondents 1 and 2 and Mr.N.Ramesh Arumugam, learned Government Advocate, for the respondents 3 and 4.

4.The position of law, as to how a Sub Registrar must proceed when an objection has been 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***



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Religious and Charitable Endowments Department, Chennai and

others, 2017 (4) MLJ 445. The view taken in *Sudha Ravikumar's* case has been reiterated by yet another Division Bench of this Court in ***M.Kathirvel Vs. Inspector General of Registration and others, 2024 (4) CTC 769.***

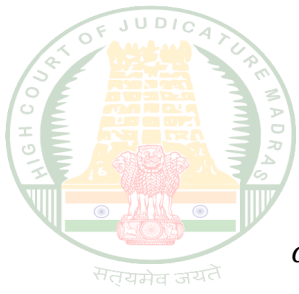
5.The Division Bench had held that when an objection is made by a religious institution, the Sub Registrar should do the following:

“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



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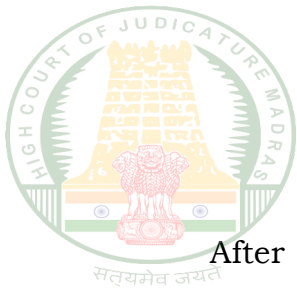
approach the civil Court for declaration of the title and for other consequential reliefs.

(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. Without adhering to the judgment of the Division Bench, the impugned order has been passed in the present case. Therefore, the impugned order is quashed. The fourth respondent shall receive the sale deed dated 07.03.2025 presented by the petitioner. He shall thereafter issue notice to the petitioner and the respondents 1 and 2. He shall call upon the parties to produce their respective records.



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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.

7.If the fourth respondent concludes that the respondents 1 and 2 have no title, he shall proceed and register the document. Contrarily, if he comes to the conclusion that the respondents 1 and 2 have title, he shall refuse to register the document and relegate the writ petitioner to civil proceedings.

8.With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

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

29.04.2025

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To

1.The District Registrar,
Registration Department,
Collectorate Additional Building,
Thanthonimalai 639 102,
Karur District.

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2.The Sub Registrar,
Melakarur Sub Registrar Office,
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V. LAKSHMINARAYANAN, J.

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