



W.P.(MD).No.12275 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.12275 of 2025

E.Mano

.. Petitioner

Vs.

1.The District Registrar,
Tenkasi Registration District,
Tenkasi.

2.The Sub Registrar,
Sankarankovil Sub Registrar Office,
Tenkasi Registration Department,
Tenkasi.

3.The Executive Officer,
Arulmighu Sankaranarayanamsamy Thirukovil,
Sankarankovil,
Tenkasi District.

.. Respondents

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 2nd respondent in his proceedings in Refusal Number RFL/Sankarankovil/58/2025 dated 09.04.2025 and quash the same as illegal, arbitrary, violation of law and further direct the Respondent No.2 to receive, register and release a document dated 09.04.2025 within the stipulated time.

For Petitioner : Mr.M.Jothi Basu

For R-1 & R-2 : Mr.N.Ramesh Arumugam
Government Advocate

For R-3 : Mr.V.R.Shanmuganathan
Standing Counsel



W.P.(MD).No.12275 of 2025

ORDER

This Writ Petition is filed challenging the impugned refusal check slip of the second respondent in Refusal Number RFL/Sankarankovil/58/2025 dated 09.04.2025 and further, to direct the second respondent to receive, register and release a document dated 09.04.2025 within the stipulated time.

2. The case of the petitioner is that the property in Survey No.198A/3, North Pudhur Village, Sankarankovil Taluk, Tenkasi District belonged to his father. He decided to settle the property in favour of the petitioner and executed a settlement deed on 09.04.2025. When the document was presented for registration, the second respondent issued the impugned refusal check slip refusing to register the document on the ground that the Executive Officer of Arulmigu Sankaranarayanawamy Thirukovil, Sankarankovil, had objected to registration by way of a letter dated 10.04.2023. Hence, this Writ Petition.

3. I heard Mr.M.Jothi Basu for the writ petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1 and 2 and Mr.V.R.Shanmuganathan for the third respondent.

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



W.P.(MD).No.12275 of 2025

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 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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W.P.(MD).No.12275 of 2025

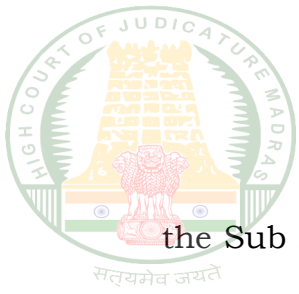
approach the civil Court for declaration of the title and for other consequential reliefs.

(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 second respondent shall receive the settlement deed presented by the petitioner dated 09.04.2025. He shall thereafter issue notice to the Executive Officer of Arulmigu Sankaranarayaswamy Thirukovil and call upon the temple to produce the documents in support of their case. After conducting a summary enquiry,



W.P.(MD).No.12275 of 2025

the Sub Registrar shall proceed further. In case, he comes to the conclusion that the claim made by the temple is not sustainable, he shall proceed to register the settlement deed. In case he comes to the conclusion that the claim made by the temple is tenable, he shall pass appropriate orders thereafter. In either case, the third respondent temple and the petitioner will be entitled to work out their rights before a Civil Court thereafter.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

28.04.2025

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

To

1.The District Registrar,
Tenkasi Registration District,
Tenkasi.

2.The Sub Registrar,
Sankarankovil Sub Registrar Office,
Tenkasi Registration Department,
Tenkasi.



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W.P.(MD).No.12275 of 2025

V.LAKSHMINARAYANAN,J.

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W.P.(MD).No.12275 of 2025

28.04.2025