



W.P.(MD)No.13203 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.04.2025

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

W.P.(MD)No.13203 of 2025

1 Dr.T.S.Narayanakumar

2 T.N.Thiruvaramgam ... Petitioners

Vs

1 The Sub-Registrar,
Nachiyarkovil Sub-Registrar Office,
Nachiyarkovil,
Thanjavur District.

2 The Executive Officer,
Arulmigu Srinivasaperumal Temple,
Nachiyarkovil, Kumbakonam Taluk,
Thanjavur District.

3 The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Mayiladuthurai. ... 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 of the 1st Respondent's impugned Check-Slip made in Refusal Number:RFL/Nachiyarkovil/26/2025, dated 17.03.2025, and quash the same as illegal and consequently direct the 1st Respondent herein to register the Sale Deed presented by the Petitioners on 17.03.2025 in respect of the property measuring 1 Acre 11 Cents out of 3 Acres 94



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Cents in S.No.37 of Kovanur Village, Kumbakonam Taluk, Thanjavur District, based on the permission granted by the Principal District Court, Thanjavur, in Trust O.P.No.83 of 2019, dated 31.01.2023.

For Petitioners : Mr.D.Srinivasaragavan

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

For Respondent 2 : Mr.V.Chandrasekar

For Respondent 3 : Mr.K.S.Selvaganesan
Addl. Govt. Pleader.

ORDER

The petitioners seek for the following relief :

“Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent's impugned Check-Slip made in Refusal Number:RFL/Nachiyarkovil/26/2025, dated 17.03.2025, and quash the same as illegal and consequently direct the 1st Respondent herein to register the Sale Deed presented by the Petitioners on 17.03.2025 in respect of the property measuring 1 Acre 11 Cents out of 3 Acres 94 Cents in S.No.37 of Kovanur Village, Kumbakonam Taluk, Thanjavur District, based on the permission granted by the Principal District Court, Thanjavur, in Trust O.P.No.83 of 2019, dated 31.01.2023..”



2. The issue raised in this writ petition is covered by a

decision of a Division Bench of this Court in ***Sudha Ravikumar vs Special Commissioner and Commissioner of HR & CE, AIR 2017***

Mad 203. The Division Bench gave directions as to how the Sub-Registrar should proceed, when an objection is given by a religious institution. The directions are found at Paragraph 26, which are extracted hereunder:

“26. 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



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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.”

3. Since the first respondent has not followed the directions of the Division Bench, the impugned order is quashed. The first respondent shall issue notice to the petitioners as well as the second respondent, hear them in terms of the aforesaid judgment, and pass appropriate orders. In case the first respondent accepts the claim of the second respondent, he shall refuse registration and the petitioners are at liberty to approach the civil court. In case the first respondent comes to a conclusion that the second respondent has not made out any prima facie case of right over the property, he shall register the document. The said exercise shall be completed within a period of twelve weeks from today.

4. Writ Petition is ordered accordingly. No costs.

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

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