



W.P(MD)No.17643 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17643 of 2025

and

W.M.P(MD)No.13466 of 2025

S.Mani

... Petitioner

Vs.

1. The Sub Registrar,
Vedasandur,
Dindigul District.

2. The Assistant Commissioner,
HR and CE Department,
Dindigul, Dindigul District.

3. The Kulanthaiyammal Temple,
Sullerumbu Village,
Dindigul District.

... Respondents

***(R3 suo motu impleaded by this Court,
vide this order, dated 30.06.2025)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 1st respondent made in Na.Ka.No. 127/SAPA/Vada/2025, dated 22.04.2025 and to quash the same and consequently, to direct the 1st respondent to register the documents in respect of S.No.392/2A1, Sullerumbu Village, Dindigul West Taluk, Dindigul District.

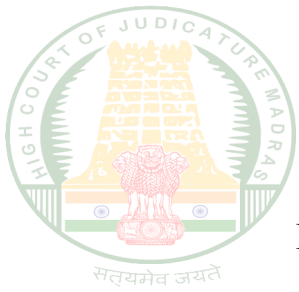
For Petitioner

: Mr.R.Murali

For R1

: Mr.S.Saji Bino

Special Government Pleader



W.P(MD)No.17643 of 2025

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For R2

: Mr.S.S.Madhavan
Additional Government Pleader

For R3

: Mr.V.Chandrasekar

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the proceedings of the 1st respondent made in Na.Ka.No.127/SAPA/Vada/2025, dated 22.04.2025 and consequently, to direct the 1st respondent to register the documents in respect of S.No. 392/2A1, Sullerumbu Village, Dindigul West Taluk, Dindigul District.

2. The petitioner has submitted a document for registration. The first respondent has refused to register citing it as temple land. The second respondent has submitted an objection to the first respondent citing that the land is a temple land. Therefore, based on the same, the first respondent has refused to register.

3. The Learned Additional Government Pleader submitted if it is temple property then the Sub Registrar ought to conduct enquiry as per the directions issued in *Sudha Ravi Kumar and Another Vs. The Special Commissioner and Others* in W.P.Nos.30589 of 2013 and batch, dated 05.04.2017.



4. On the other hand, the Learned Counsel appearing for the petitioner submitted that there should be some evidence to submit such objections.

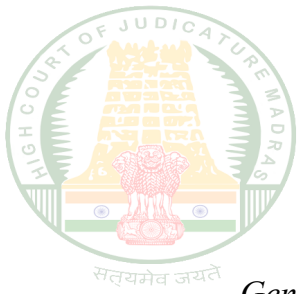
The 2nd respondent has submitted a simple objection without any evidence and the same cannot be considered by the first respondent. The said issue was already considered by another learned single judge in W.P.(MD)No.14243 of 2022, vide order, dated 13-08-2024 and the relevant portion of the order is extracted hereunder:

"7. In this regard, it is relevant to extract the judgment of this Court in the case of V.Sathishkumar v. The Sub Registrar, Sulur and others (W.P.No.13006 of 2024 dated 05.06.2024). The relevant portion is extracted hereunder:

"7. Following the same, this Court in Subramani Vs. 1.The Sub Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai, has held as follows:

"20. It is relevant to note that many registration has been refused citing Section 22-A on the only ground that some requests are made by Hindu Religious and Charitable Endowments Board or the Waqf Board. It is relevant to note that the Division Bench of this Court in the case of Sudha Ravikumar v The Special Commissioner reported in AIR 2017 Mad 203, wherein, it is held as follows:

"the registering authority is not bestowed with any quasi judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial."



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21. Similarly, this Court in the case of *D. Kalaiyarasan v Inspector General* reported in (2018 SCC Online Mad 7224), it was held that unless and until the authority has clinching materials to show that the property belonged to the religious institution, the registration cannot be refused. Also, this Court in the case of *G. Rajasulochana v Inspector General* made in W.P 29706 of 2024 dated 16.04.2024, it was observed as under: "If there is a serious dispute on the title to the land, such questions cannot be decided by the Registrar at the stage of registering a document since he is only conducting a limited summary enquiry."

22. Therefore, this Court is of the view that merely on the basis of some letters without production of title deed clinchingly establish the title of the Waqf Board and religious institutions mere citing some objections in the form of letters, document cannot be refused to be registered"

8. Considering the above, as the title is not in favour of the temple at present, merely on the ground that the temple may take action to retrieve the property in future may not be a ground to refuse the registration at present. Therefore, the refusal slip issued by the first respondent refusing to register the power of attorney dated 14.06.2022 is set aside. The first respondent is directed to register the power of attorney dated 14.06.2022 and it is upto the HR & CE Department to establish the title in an appropriate manner. Even if the title is established, the property can be retrieved at any time. Mere registration in favour of the third parties is not a bar for retrieving the property, provided, the title is conclusively established in an appropriate manner and not by giving just a letter to the registration authorities."

5. After hearing the rival submissions, this Court is of the considered opinion that the temple is the appropriate party to submit the objections and



W.P(MD)No.17643 of 2025

evidences. But the temple has not been impleaded as a party in the writ petition.

Therefore, "*the Kulanthaiyammal Temple, Sullerumbu Village, Dindigul District*", is suo motu impleaded by this Court as 3rd respondent in this writ petition.

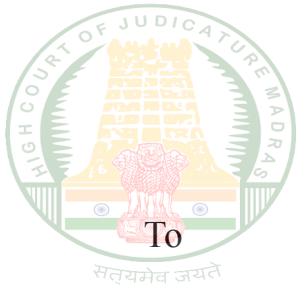
6. The further contention of the petitioner is that the petitioner's vendor was having settlement patta, hence the petitioner is having better title. Even if settlement patta is issued, it is not clear whether the temple had participated in the settlement proceedings. Further the temple is having right to challenge the settlement proceedings and limitation is not applicable to temple.

7. The first respondent is directed to issue notice to the petitioner as well as the 3rd respondent temple, thereafter, conduct enquiry as per the direction issued in ***Sudha Ravi Kumar's*** case and pass orders within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.06.2025

NCC : Yes / No ; Index : Yes / No
Internet : Yes
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W.P(MD)No.17643 of 2025

To

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Vedasandur,
Dindigul District.
2. The Assistant Commissioner,
HR and CE Department,
Dindigul,
Dindigul District.

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W.P(MD)No.17643 of 2025

S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.17643 of 2025**

DATED : 30.06.2025