

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 02.09.2025****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.21971 of 2025 AND**
W.M.P.(MD)No.17055 of 2025

J.Sudharsanam

... Petitioner

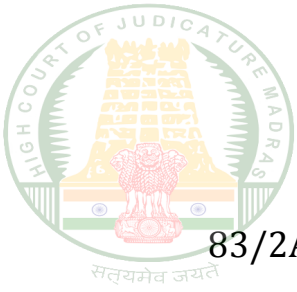
Vs.

1. The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Kalyana Pasubatheeshwarar Swamy Temple,
Karur District.

2. The Sub Registrar,
West Karur,
Karur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records pertaining to the impugned refusal slip issued by the second respondent herein dated 28.07.2025 bearing refusal No.RFL/MELAKARUR/122/2025 issued by the second respondent herein and quash the same with a consequential direction directing the second respondent to register the Discharge Receipt in favour of the petitioner to Discharge the mortgage MOTD Doc.No.9391/2011 dated 04.10.2011 on the file of the second respondent herein in respect of the properties in Ward No.1, Block No.2 at Rathinam Salai, Karur Town, Karur District in old T.S.Nos.80, 81, 82 and 83 and in the corresponding new T.S.Nos.81/2A2, 82/2A3, 82/2A4, 83/2A2 and



83/2A3 more particularly in T.S.No.81/2A2 and enable the petitioner for further registration to third parties without any encumbrance.

For Petitioner : Ms.Lakshmi Gopinathan,
for M/s.Polax Legal Solutions.

For R-1 : Mr.P.Athimoola Pandian
For R-2 : Mr.D.Gandhiraj,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner herein purchased the petition-mentioned property vide sale deed dated 14.02.2011(document No.1735/2011) on the file of the second respondent. Patta stood in the name of the writ petitioner's vendor. The petition-mentioned property is an apartment and it was purchased on the strength of the loan availed from SBI. As on date, the petitioner's name is reflected in the revenue record. The petitioner has since cleared the mortgage loan. Since the memorandum of deposit of title deed executed by the petitioner was registered as document No.9391/2011 dated 04.10.2011, the petitioner has to register the discharge certificate. When the discharge certificate was presented, the registering authority issued the impugned refusal check slip declining to register the same by



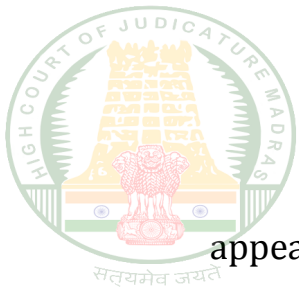
citing the objections received from the first respondent.. The reason set out in the refusal check slip is as follows:-

“இதர காரணங்கள்: TP NUMBER 227760382 2025 இல் குறிப்பிடப்பட்டுள்ள கருர் கிராமம் வார்டு 1 பிளாக் 2 பழைய புல எண்.80, 81, 82 மற்றும் 83 புதிய புல எண் 81 2 A2 2A3 82 2A2 2A3 2A4 83 2A2 2A3 ஆனது இந்து சமய அறநிலையத்துறைக்கு சொந்தமான கருர் கல்யாண பசுபதீஸ்வரர் சுவாமி திருக்கோவில் நிலம் என்பதால் பதிவுச்சட்டம் பிரிவு 22A ன் கீழ் ஆவணம் பதிவிற்கு ஏற்க இயலாது. எனவே ஆவணம் பதிவு மறுத்தளித்து ஆணையிடப்படுகிறது.”

Challenging the same, this writ petition has been filed.

3. The learned counsel appearing for the writ petitioner relied reiterated all the contentions set out in the affidavit filed in support of the writ petition. She relied on the order dated **16.10.2024** made in **W.P.(MD)No.8145 of 2024 (M.Ramkumar Vs. The Sub Registrar, Sankarankovil, Thenkasi District)** in support of her contention that the registering authority was not justified in declining to register the document.

4. Per contra, the learned Standing counsel appearing for the temple / R1 as well as the learned Special Government Pleader



appearing for the registering authority submitted that the property on which the petition-mentioned building stands, very much belongs to the temple. He drew my attention to the relevant entries in the Town Survey and Re-settlement Register of Karur Village. This register is of the year 1960. They further contended that this Court can dispose of this writ petition by directing the registering authority to follow the directions set out in ***Sudha Ravi Kumar*** case.

5. I carefully considered the rival contentions and went through the materials on record.

6. No doubt, the order dated **16.10.2024** in ***W.P.(MD) No.8145 of 2024 (M.Ramkumar Vs. The Sub Registrar, Sankarankovil, Thenkasi District)*** appears to support the case of the writ petitioner. That was also a case where objection was made by a temple. Paragraph No.12 of the said order reads as follows:-

“12. ... this Court is of the view that mere objection before the registering authorities itself is not sufficient to refuse the registration. Therefore, the impugned order passed by the 1st respondent is quashed and this Writ Petition is allowed with a



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direction to the 1st respondent to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. It is for the temple to take appropriate action to resume the land or atleast to file a suit to recover the entire land, if the service is not properly rendered or discontinued. No costs.”

7. I am, however, of the respectful view that the aforesaid direction must be understood in the context of the facts obtaining in that case. In paragraph No.5 of the said order, it has been noted that the writ petitioner was having settlement patta under Section 8(2) (ii) and 8(5) r/w. Section 21 of Act 30 of 1963 and the said order had attained finality. The religious institution had not taken any action under Section 21 of the Act for resuming the land or for declaration that the service is not rendered by the concerned person. It was in that context relief was granted to the writ petitioner therein.

8. It must be remembered that there is a decision of the Hon'ble Division Bench reported in **2017 (3) CTC 135 (Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, HR&CE**



Department) that governs the issue. Paragraph No.25 of the said

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decision contains 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



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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.”

Since in W.P.(MD)No.8145 of 2024 there is no reference to the decision of the Hon'ble Division Bench which governs the field, the order dated 16.10.2024 cannot be taken as a binding precedent.

9. Be that as it may, in the case on hand, all that the writ petitioner wants is only to register her discharge certificate and



nothing else. The property is not going to change hands. When the petitioner availed the housing loan and presented memorandum of deposit of title deeds, the registering authority had accepted the said document and also registered the same. Therefore, having accepted the deed of mortgage for registration, registering authority cannot decline to register the discharge certificate.

10. In this view of the matter, the order impugned in this writ petition is quashed. The petitioner is permitted to re-present the document in question and the same shall be registered by the second respondent. I, however, make it clear that if in future, the petitioner wants to sell or encumber the property, the registering authority is obliged to follow the directions set out in ***Sudha Ravi Kumar*** case. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

02.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)NO.21971 OF 2025

To:

The Sub Registrar,
West Karur,
Karur District.



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W.P.(MD)NO.21971 OF 2025

G.R.SWAMINATHAN,J.

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W.P.(MD)No.21971 of 2025

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