



W.P(MD)No.21812 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21812 of 2025

and

W.M.P.(MD)Nos.16884 and 16886 of 2025

V.Ganapathi

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.

2.Arulmigu Sankara Narayanaswamy Temple,
Rep. by its the Assistant Commissioner,
Sankarankovil, Tenkasi District.

3.Arulmigu Sankara Narayanaswamy Temple,
Rep. by its Executive Officer,
Sankarankovil, Tenkasi District.

4.The Sub-Registrar
Sankarankovil Sub-Registrar Office,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



W.P(MD)No.21812 of 2025

call for the Records of the impugned Refusal Number:

RFL/Sankarankovil/108/2025 dated 14.07.2025 passed by the Respondent No.4 and quash the same as illegal and consequently direct the Respondent No.4 to permit the petitioner to execute any transaction like sale, gift, mortgage, lease, Power of attorney etc., with regard to the properties in Old Survey No.438/A1 and Resurvey No.616/3 Plot No.214, Door No.5/167C4 situated at Kalapakkulam village, Sankarankovil, Tenkasi District within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R4.
Mr.S.Manohar for R2 & R3

ORDER

Heard both sides.

2.The writ petitioner executed sale deed dated 10.07.2025 in favour of one Theivanai in respect of the petition mentioned property. It was presented for registration on 14.07.2025 before the fourth



W.P(MD)No.21812 of 2025

respondent. The fourth respondent declined to entertain the document.

The impugned refusal check slip was issued calling upon the writ petitioner to represent the document after getting NOC from the third respondent. According to the registration department, the petition mentioned property is in the name of the third respondent temple in the revenue record. Challenging the refusal check slip, this writ petition has been filed.

3.The Hon'ble Division Bench in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, H.R & C.E. Department, Chennai)** had dealt with a similar issue and issued 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.



W.P(MD)No.21812 of 2025

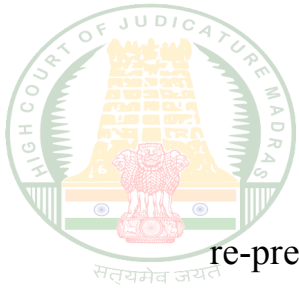
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(iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation 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 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.”

4. Respectfully applying the aforesaid ratio, the refusal check slip impugned in this writ petition is quashed. The petitioner is permitted to



W.P(MD)No.21812 of 2025

re-present the document. The registering authority shall adhere to the directions laid down by the Hon'ble Division Bench.

5.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

01.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.
- 2.The Sub-Registrar
Sankarankovil Sub-Registrar Office,
Tenkasi District.



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W.P(MD)No.21812 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.21812 of 2025

01.09.2025