



W.P(MD)No.22799 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.22799 of 2025

M.Narasimha Raghavan

... Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Theni District,
No. 6-2-1, T.P.N. Salai,
Palanichettipatti, Theni- 625 531.

2.The Sub-Registrar,
Peraiyur,
Office of the Sub-Registrar,
Subramaniya Swami Kovil Street,
Peraiyur, Madurai-625 703.

3.The District Collector,
Madurai District,
Collectorate,
Madurai 625 020

4.The Revenue Divisional Officer,
Usilampatti Revenue Division,
Office of the Revenue Divisional Officer,
Usilampatti, Madurai-625532.

...Respondents



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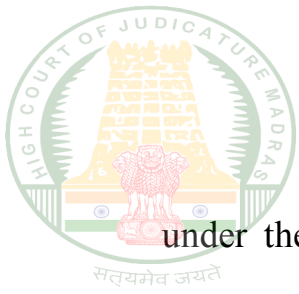
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the first respondent to issue 'No Objection Certificate' as sought for by the second respondent, for registering the property comprised in Survey No.273/5A of Chinna Poolampatti Village, Peraiyur Taluk, Maduri District.

For Petitioner : Mr.B.Gopinath
For Respondent : Mr.S.S.Madhavan
Additional Government Pleader

ORDER

This writ petition has been filed for a writ of Mandamus to direct the first respondent to issue a 'No Objection Certificate' as sought for by the second respondent, for registering the property comprised in Survey No.273/5A of Chinna Poolampatti Village, Peraiyur Taluk, Maduri District.

2. The petitioner claims to have purchased the property from one Mariammal by virtue of a registered sale deed dated 24.08.2009 as Document No.3168 of 2009. It is submitted that the said Mariammal, who in turn purchased the property from one Pulugiah Chettiar on 02.11.1998, who was issued a ryotwari patta pursuant to the proceedings of the Settlement Tahsildar,



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under the provisions of the Tamil Nadu Minor Inam Abolition Act, 1963 on 06.05.1969.

3. The learned counsel for the petitioner submits that out of the four plots, the petitioner has already sold Plot No.1 and for the remaining three plots, the petitioner is now proposing to register a Will in favour of the progenies. However, it is submitted that the enquiry was initiated only in the year 2022 and the Sub Registrar has also addressed a letter/communication to the first respondent on 16.09.2024 reference Na.Ka.No.231 of 2024, wherein, possession has been reiterated and therefore, the Sub Registrar asked the first respondent to issue NO Objection Certificate for registration of the sale deed.

4. The learned Additional Government Pleader for the respondents submits that the land in question fell under S.No.273/1 measuring an extent of 3.05 acres and to that effect, Patta No.1629 has also been issued by the Revenue Authorities. It is submitted that whether the land falls within the purview of opposite S.No.273/1 or thereafter after subdivision ryotwari patta was issued to the said Pulugiah Chettiar on 16.05.1969 cannot be determined based on the representation of the petitioner. It is submitted that as per the record the land in



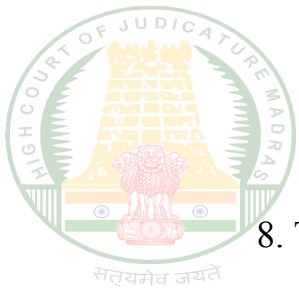
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question falls within the purview of the control of the first respondent in terms of Patta No.1629.

5. By way of rejoinder, the learned counsel for the petitioner submits that the total extent of the land in S.No.273/1 was 4.70 acres, out of which 3.07 acres was retained in favour of the Temple, under the control of the first respondent and the remaining 1.63 acres was assigned to Pulugiah Chettiar pursuant to assignment patta given by the Thasildar on 06.05.1969 and it is only from and out of the aforesaid extent of 1.63 acres of land that was assigned to the said person, who plotted and sold the lands which has been transferred to the petitioner through the petitioner's predecessor, Mariammal.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

7. The writ petition is premature and academic in nature and therefore, no relief granted to the petitioner as prayed for.



8. The issue arising of ownership over the land in respect of the Temple or the Religious institution claim right has been settled by the Hon'ble Supreme Court in the case of ***Sudha Ravi Kumar and others Vs.The Special Commissioner, HR&CE Department, Chennai and others*** reported in **2017 (3) CTC 135**. It would suffice to refer to the conclusion in Paragraph No.25, which reads as under:

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 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



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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.

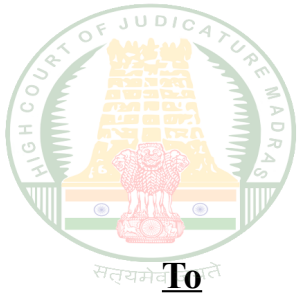
(vi) Consequently the connected miscellaneous petitions are closed. No costs.

9. Thus, it is open to the petitioner to present the documents (Will) before the second respondent, who shall consider the same and take a call as to whether the Will is proposed to be registered or not. In case the second respondent refuses to register the document (Will) by accepting the objections under Section 22A of the Registration Act, the aggrieved party has an appellate remedy under the Registration Act, 1908. If the document is registered, it is open to the first respondent to approach the Court as stipulated in Paragraph No.25(iii) of the ***Sudha Ravi Kumar's case*** (state supra)

10. Therefore, this writ petition is disposed of by giving liberty to the petitioner to present the Will proposed to be registered before the second respondent. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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