



W.P.(MD)No.21848 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.21848 of 2024

and

WMP(MD)No.18514 of 2024

Padmavathi

... Petitioner

/Vs./

1. The Inspector General of Registrtration.

100, Santhome High Road,
Chennai – 600 028.

2. The Sub-Registrar,

Srirangam Sub-Registrar Office,
Srirangam, Trichy – 620 006.

3. Sriranganathaswamy Temple,

represented by its Executive Officer/Joint Commissioner,
Srirangam, Trichy – 620 006.

4. Sri Vyasaraja Mutt (Sosale)

represented by its Manager,
Raghavendrapuram,
Srirangam, Trichy – 620 006.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records comprised in Refusal Slip in Na.Ka.No.205-21/2024 dated 29.08.2024 on the file of the second respondent and quash the same as being arbitrary, illegal and contrary to the provisions of the Registration Act, 1908 and thereunder and consequently, to direct the second respondent to register settlement deed dated 29.08.2024 in TP/192658157/2024.

For Petitioner	: Mr.K.Prabhakar
For R-1 & R-2	: Mr.D.Sadiq Raja Additional Government Pleader
For R-3	: Mr.M.Saravanan
For R-4	: Mr.S.Madhavan

ORDER

The writ petition has been filed challenging the refusal check slip issued by the second respondent dated 29.08.2024, thereby, refused to register the settlement deed on the objections raised by the third and fourth respondents.

2. The property comprised in Plot No.24, TS.No.1518, Block 45, Vellithirumutham Village, Ward 1, New Ward A, Srirangam Taluk,



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Trichy District, originally belonged to the fourth respondent. Thereafter, the same was purchased by the late.Ramachandran, through registered sale deed vide Document No.2742/1982. The said Ramachandran died leaving behind the petitioner and others as a legal heirs. The petitioner had executed a settlement deed in respect of his undivided half share in favour of his daughter through a settlement deed dated 29.08.2024 and the same was presented for registration before the second respondent and based on the objections raised by the third and fourth respondents, the second respondent refused to register the same.

3. The learned Counsel appearing for the fourth respondent would submit that the sale deed of the fourth respondent was given power only to maintain the mutt and its property, and he was not given any power to deal with the property belonged to the fourth respondent. Therefore, Power of Attorney executed in favour of the Madathipathi was declared as null and void. However, on the objections raised by the third and fourth respondents, the second respondent refused to register a settlement deed without conducting an enquiry under Section 22-A of the Registration Act. The issue of accepting or rejecting documents that



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purportedly deal with lands belonging to Hindu Temples is no longer *res integra*. It is settled by the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, HR & C CE and Others*** reported in ***(2017) 3 CTC 135***, directed the Registering Authority to conduct an enquiry, if any objections raised under section 22-A of the Registration Act. The relevant portion of the order reads as follows:

“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



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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 the parties concerned leaving it open for the religious institution to approach



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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. Thus it is made clear that any objections raised by the HR and CE Department, the third respondent is directed to hold an enquiry, after giving opportunity to the person, who a person for registration or otherwise for the persons including the temple authority and take a decision in accordance with law.

5. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed, accordingly quashed. The petitioner is directed to represent the settlement deed for registration. On receipt of the same, if any objections raised by the third and fourth respondents, the second respondent is directed to issue notice to the petitioner and the third and fourth respondents and after giving opportunity to the third and fourth respondents, the second respondent is directed to conduct enquiry as stated supra and pass order on merits in



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accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above said direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

09.01.2025

TO

1. The Inspector General of Registrtration.
100, Santhome High Road,
Chennai – 600 028.
2. The Sub-Registrar,
Srirangam Sub-Registrar Office,
Srirangam, Trichy – 620 006.



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G.K.ILANTHIRAIYAN, J.

jbr

Order made in
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Dated:
09.01.2025