



W.P(MD)No.24489 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24489 of 2025

S.Saradha

... Petitioner

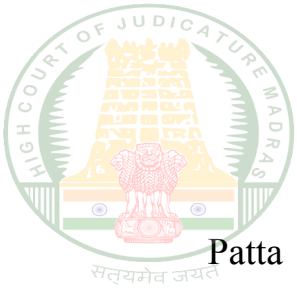
Vs.

1.The Sub Registrar,
O/o.The Thiruparangundram
Sub Registration,
Thiruparangundram,
Madurai District.

2.The Executive Officer /
Assistant Commissioner,
Arulmigu Subramania Swamy
Thirukovil,
Thiruparangundram,
Madurai District.

... Respondents

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 register and release the Settlement Deed (Gift Deed) in the petitioner's Application No.TP/228727704/2025 dated 06.08.2025 in house property in old Survey No. 136/1C2PT in New Survey No.744/13,



W.P(MD)No.24489 of 2025

Patta No.4967, to an extent of 0.01.65 sq.mtr. situated at Thiruparangundram Village, Madurai District within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1

Mr.V.Chandrasekar for R.2

ORDER

Heard both sides.

2.The petitioner had presented the settlement deed for registration. The registering authority has declined to register the document in view of the objection raised from the second respondent.

3.The Hon'ble Division Bench in the decision reported **2017 (3) CTC 135 (Sudha Ravi Kumar and Ors. Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors.)** had laid down the procedure to be followed by the registering authority in such cases. The directions are as follows:



W.P(MD)No.24489 of 2025

WEB COPY

“26. 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



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W.P(MD)No.24489 of 2025

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.

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

4.The petitioner is permitted to re-present the document. The registering authority will adhere to the directions set out above. The entire exercise shall be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.



W.P(MD)No.24489 of 2025

5.This writ petition is disposed of accordingly. No costs.

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10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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W.P(MD)No.24489 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.24489 of 2025

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