



W.A(MD)No.2424 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)Nos.2424 & 2425 of 2025

A.Kannan

... Appellant/Petitioner
in W.A(MD)No.2424/2025

S.Sudhakar

... Appellant/Petitioner
in W.A(MD)No.2425/2025

Vs.

1.The Sub-Registrar,
Office of the Sub-Registrar,
Sankarankovil,
Tenkasi District.

2.Arulmigu Sankaranarayanassamy Temple,
Represented by its Assistant Commissioner/
Executive Officer,
Sankarankovil,
Tenkasi District.

...Respondents/Respondents
in both appeals

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order dated 01.08.2025 passed in W.P(MD)Nos.9608 & 9609 of 2025.



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For Appellant : M/s.U.Ramya
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 : Mr.S.Manohar
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The writ petitioners are the appellants before this Court. The appellants presented the sale deeds for registration under the Registration Act. The Sub-Registrar refused to register the sale deeds on the ground that the temple authorities of Arulmigu Sankaranarayanamsamy Temple filed an objection for registration of the subject properties. Based on the objection letter given by the HR & CE Department authority, the documents presented by the appellants were refused.

2. The learned counsel for the appellants would submit that they are in possession of the subject properties for several decades. The appellants possessed the documents to establish their title. Mere objection by the temple authorities are insufficient to refuse the registration since the appellants presented the documents by following the procedures. Thus, the writ appeals are to be considered.



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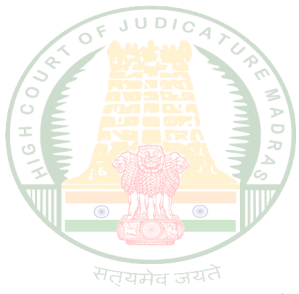
3. The learned counsel for the second respondent/temple would oppose by stating that the subject properties belong to the Temple. It is an endowment and the documents are available in the temple registers. Based on the temple property registers, objections are submitted by the authorities to the Sub-Registrar not to register any document in respect of the temple properties. Thus, there is no infirmity in respect of the writ orders impugned and the writ appeals are to be rejected.

4. The learned Special Government Pleader appearing for the first respondent would rely on the provisions of the Registration Act and would contend that the Sub Registrar is empower to refuse registration in the event of receiving an objection from the competent authority of the temple concerned.

5. Section 22 - A (1) (2) of the Registration Act reads as under:-

“22-A. Refusal to register certain documents:-Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:-

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,-



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(i) *belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);*

(ii) *belonging to or given or endowed for the purpose of any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;*

(iii) *donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under Section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958) ; or*

(iv) *of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995),*

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;”

(2) *instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:*

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.



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Explanation I.—For the purpose of this section ‘local authority’ means,—

(i) any Municipal Corporation constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 ; or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 ; or

(iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.—For the purpose of this section ‘planning authority’ means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

6. Therefore, an objection in writing from the temple authorities would be sufficient to refuse the registration of document by the registering authority. The right of the presentant, if questioned by the any temple, then, the option left open to the presentant of a document is to approach the competent Civil Court of law. The registering authority is not empowered to adjudicate the title or ownership and necessarily has to relegate the presentant of a document to resolve



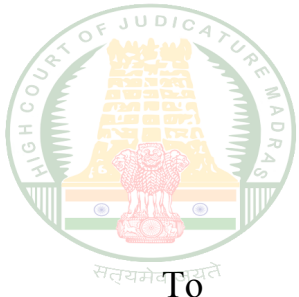
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the issues through Civil Court of law. This being the objective of section 22-A of the Registration Act. The refusal in the present case is in consonance with the said provisions of the Act and there is no infirmity. The Writ Court also considered the said position and dismissed the writ petition. It is for the appellants to establish their title if they possess any documents, evidence etc.,

7. With these observations, the writ petitions and the writ appeals are dismissed. No costs.

(S.M.S., J.) & (G.A.M., J.)
21.08.2025

NCC : Yes / No
Index : Yes / No
am



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To
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The Sub-Registrar,
Office of the Sub-Registrar,
Sankarankovil,
Tenkasi District.



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