



W.P(MD)No.22815of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.22815 of 2025

Muthuramalingam

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Tiruchendur Division,
Thoothukudi District.
- 3.The Joint Commissioner,
HR and CE Department,
Thoothukudi,
Thoothukudi District.
- 4.The Assistant Commissioner,
HR and CE Department,
Thoothukudi,
Thoothukudi District.
- 5.The Executive Officer,
Arulmigu Mutharamman Temple,
Kulasekarapattinam,
Tiruchendur Taluk,
Thoothukudi District.

...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 Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.3862/2023/A2 dated 16.07.2025 on the file of the third respondent and quash the same as illegal and consequently the respondents to handed over the possession of the properties in Old 186/1 in new Survey nos. 579/16 and 580/6 to the total extent of 50 cents situated at Kulasekarapattinam, Tiruchendur Taluk, Thoothukudi District to the petitioner within a stipulated period as framed by this Court.

For Petitioner : Mr.J.David Ganesan
For R1 to R4 : Mr.S.S.Madhavan
Additional Government Pleader

ORDER

The petitioner is aggrieved by the impugned order passed by the third respondent Joint Commissioner vide proceedings dated 16.07.2025 bearing reference Na.Ka.No.3862/2023-1/A2, which was passed pursuant to the order obtained by the petitioner from this Court on 24.03.2025 in W.P(MD)No.7973 of 2025.

2. By the impugned order, the third respondent has rejected the claim of the petitioner that the land in S.Nos.186/1 and 580/6 to an extent of 14 $\frac{3}{4}$ cents,



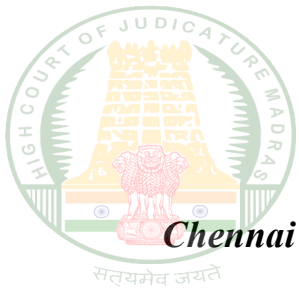
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which was transferred by the petitioner's father in favour of Arumugam Asari, in the year 1963, who in turn further transferred to one Sankaramoorthy Asari on 05.05.1967. It is submitted that the petitioner's father is the owner of 50 cents of land and that the balance extent is to be owned by the petitioner's family.

3. The learned Additional Government Pleader for the respondents 1 to 4 submits that, as per the revenue records, the entire extent of the land is in the name of the Temple, namely Arulmigu Mutharamman Temple, Kulasekarapattinam and therefore, there is no question of any relief to be granted to the petitioner and the impugned order passed by the third respondent does not warrant any interference.

4. Since the the case of the petitioner is that the land in question has been wrongly usurped by the Temple, it is for the temple to approach the Civil Court to establish the rights.

5. On the other hand, if the petitioner proposes to alienate the property, it is for the authorities concerned and for the respective buyer to work the remedy in terms of the law settled by the Hon'ble Supreme Court in the case ***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:*

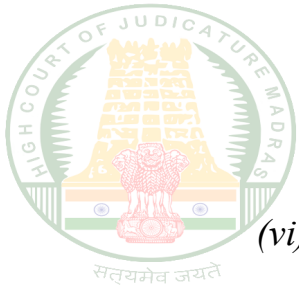
(i) *The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order 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 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.*



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

costs."

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6. The writ petition stands dismissed with the above liberty. No costs.

21.08.2025

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

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