BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24293 of 2025

S.N.Marimuthu ... Petitioner

Vs.

1.The Special Commissioner
and Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai – 14.

2.The Joint Commissioner,
Sri Renganatha Swami Temple,
Hindu Religious and Charitable
Endowment Department,
Srirangam, Trichy.

3.The Sub Registrar,
Sub Registrar Office,
Srirangam. ... Respondents

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 relating to the impugned refusal check slip issued by the third respondent in her proceedings Refusal No.RFL/Srirangam/91/2025 and also issued refusal order in her proceedings in Na.Ka.No.29/2025 in Refusal dated 23.07.2025 and quash the same as illegal and consequently direct the third respondent to register the Sale deeds or Settlement deeds or MOD or any other documents when it presented for registration by the petitioner with respect to the subject property bearing in Old T.S No. 2212 and New T.S No.2212/1 in Old Ward No. 1 and New Ward No.A, Block No.58 in T.D.No.1079 at measuring to an extent of 432 Sq.ft out of 2809 Sq.ft of undivided share of vacant lands with residential flat constructed thereon bearing Flat No.S1 in 2nd Floor with having a super plinth built up area of 972 Sq.ft with a car parking slot bearing No.4 in Ground Floor consist thereon in the Residential Apartment known as “KAMATCHI ENCLAVE” situated at Adaiyavalanjan Veethi, Vellithirumutham Village, Srirangam Taluk, Trichirappalli District, without insisting No Objection Certificate from the respondents 1 and 2 or any other.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate
for R.1 & R.3

Mr.M.Saravanan for R.2

ORDER

Heard both sides.

2.The petitioner is the purchaser of the petition mentioned property. When the sale deed was presented for registration, the registering authority declined to accept the document for registration. Instead, the impugned refusal check slip was issued. The reason for issuing the refusal check slip was that an objection had been received from the second respondent temple. Challenging the stand of the registering authority, this writ petition has been filed.

3.It is obvious that the registering authority did not hold any enquiry before issuing the impugned refusal check slip. In this view of the matter, it stands quashed. The matter is remitted to the file of the third respondent. The third respondent will adhere to the direction set out in ***Sudha Ravi Kumar and Ors. Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Ors. (2017 (3) CTC 135)*** , which are as follows:

> *"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 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 learned counsel for the petitioner states that the document will be re-presented immediately upon receipt of a copy of this order. The exercise, as delineated above, shall be concluded by the registering authority within a period of six weeks. He also strongly asserts that there is zero justification for the objection made by the temple. The registering authority cannot pass any mechanical order. A speaking order has to be passed taking into account all the contentions urged by the writ petitioner.

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

09.09.2025

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

To

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and Commissioner,
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Endowment Department,
Chennai – 14.

2.The Joint Commissioner,
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Endowment Department,
Srirangam, Trichy.

3.The Sub Registrar,
Sub Registrar Office,
Srirangam.

G.R.SWAMINATHAN, J.

MGA

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