



W.P(MD)No.24587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24587 of 2025

Menaka

... Petitioner

Vs.

- 1.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.
- 2.Arulmigu Sankara Narayanaswamy
Temple,
Represented by its
The Assistant Commissioner,
Sankarankovil,
Tenkasi District.
- 3.Arulmigu Sankara Narayanaswamy
Temple,
Represented by its
The Executive Officer,
Sankarankovil,
Tenkasi District.



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4.The Sub Registrar,
Sankarankovil Sub Registrar Office,
Tenkasi District.

... Respondent

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 of the impugned Refusal Check slip in RFL/Sankarankovil/120/2025 dated 18.08.2025 passed by the fourth respondent and quash the same as illegal and consequently direct the fourth respondent to permit the petitioner to execute any transaction like sale, gift mortgage, lease, power of attorney etc., with regard to the house property situated at 438A/1A1A in New S.No.605/2A1 situated at Kalappakkulam Village, Sankarankovil, Tenkasi District within time stipulated by this Court.

For Petitioner : Mr.S.Veluchamy

For Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 & R.4

Mr.S.Manohar
for R.2 & R.3

ORDER

Heard both sides.

2.The impugned refusal check slip has been issued without adhering to the direction set out in *Sudha Ravi Kumar*'s case. Hence it is quashed.

2/6



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3.The matter is remitted to the file of the fourth respondent. The fourth respondent will adhere to the directions laid down by the Hon'ble Division Bench 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



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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."



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4.The entire exercise shall be completed by the fourth respondent within a period of eight weeks from the date of re-presentation of the document.

5.This Writ Petition is disposed of accordingly. No costs.

10.09.2025

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

To

- 1.The Commissioner,
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Nungambakkam,
Chennai.
- 2.The Assistant Commissioner,
Arulmigu Sankara Narayanaswamy
Temple,
Sankarankovil,
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- 3.The Executive Officer,
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4.The Sub Registrar,
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