



W.P(MD)No.25253 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25253 of 2025

and

W.M.P(MD)No.19797 of 2025

Ramjan Begam

... Petitioner

Vs.

1.The District Registrar,
District Registrar's Office,
Sivagangai.

2.The Sub Registrar,
Thirupathur Sub Registrar Office,
Sivagangai District.

... 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 check slip order passed by the second respondent dated 28.07.2025 in Reference Nil and quash the same and consequently direct the second respondent to forthwith register the MOD dated 23.06.2025 executed by the petitioner in favour of State Bank of India within the time frame stipulated by this Court.



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For Petitioner : Mr.Raghuvaran Gopalan
for Mr.L.Siva

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

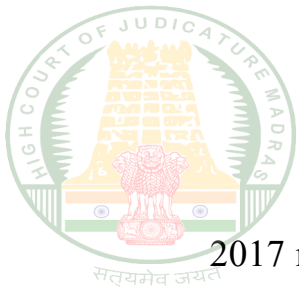
ORDER

Heard both sides.

2.The writ petitioner wants to mortgage the petition mentioned property. She presented a Memorandum Of Deposit (MOD) of title deeds. The registering authority declined to accept the same for registration. Challenging the refusal check slip, this writ petition has been filed.

3.The learned Additional Government Pleader appearing for the respondents submitted that since there is a restraint against the registration of properties belonging to TELC, the registering authority rightly refused registration.

4.The learned counsel for the writ petitioner thereupon pointed out that no doubt in a PIL filed by one Chandrasekaran, the Hon'ble Division Bench vide order dated 04.05.2017 in W.P(MD)No.11679 of



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2017 restrained the registering authorities from registering any document in respect of the properties belonging to or owned by TELC without getting permission from the Court. In the said order, it was further directed that the Inspector General of Registration should issue an appropriate circular in this regard. Pursuant to the said direction, the Inspector General of Registration issued circular dated 24.05.2017. Thereafter, the main writ petition itself came to be withdrawn.

5.The learned counsel for the petitioner draws my attention to the order dated 17.04.2024 in W.P(MD)No.8319 of 2023 filed by one Shalin. I had allowed the writ petition in the following terms:

“5. I carefully considered the rival contentions and went through the materials on record. The circular issued by the IG of Registration on 24.05.2017 is based entirely on the interim order passed by the Hon'ble Division Bench on 04.05.2017. The learned counsel appearing for the petitioner draws my attention to the order dated 27.07.2017 in W.P.No.11679 of 2017. It is true that the writ petition was withdrawn by the learned counsel in view of the circular issued by the District Registrar (Guideline). Copy of the said circular reads as follows:-



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“ Copy of the Hon'ble High Court Order in the reference cited is enclosed herewith. As per the Hon'ble High Court Order, it is hereby informed not to register any document in respect of the properties, belonging to or owned by the fourth respondent Church, without getting permission from the Hon'ble High Court”

The above circular was not a statutory direction issued by the IG of Registration. It is a mere communication by the District Registrar (Guideline) intimating all the Sub Registrars, District Registrars and the Deputy Inspector Generals of Registration about the interim order passed by the High Court. I fail to understand as to why the learned counsel for the petitioner therein withdrew the writ petition by citing the said circular. It is well settled that an interim order cannot have life beyond the termination of the main writ petition. In fact, the order dated 27.07.2017 disposing the main writ petition states that the connected miscellaneous petitions are also closed. W.M.P.No.12710 of 2017 is also mentioned in the said order. I therefore have to proceed on the footing that as on date, there is no restraint order issued by the Hon'ble High Court in respect of TELC properties in general.

6. The next question that calls for consideration is whether Section 22(A)(1) of the Registration Act, 1908 can be invoked to sustain the impugned order. Section 22-A (1) of the Registration Act, 1908 is as follows:-



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*“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,-*

*(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*



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authorised by the State Government for this purpose, is produced before the registering officer;”

There are two aspects. One is the right to register a transaction. The other is the power to refuse registration. The provisions pertaining to the power to refuse registration must be strictly construed. Their scope and ambit should be confined to what the restrictive provisions specifically envisage and contemplate. Section 22-A and Section 22-B which were inserted by TN Act 28 of 2012 and TN Act 41 of 2022 respectively cannot be liberally or expansively interpreted. It is seen that in Section 22-A, only immovable properties 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 and Wakf properties under the superintendence of the Wakf Board are covered. Church properties have not been granted similar protection. I have personally come across quite a few cases wherein church properties have been illegally and unlawfully alienated. There is a popular saying in Tamil “rptd; nrhj;J Fyehrk;”. The belief is that misappropriating temple property will destroy the family of the person committing the act. When the Registration Act contains a provision to protect the properties endowed under Hindu and Islamic Laws, it is surprising that the church properties are not



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covered. The logical reason that one can give is that in the case of Hindu religious endowments and Wakf properties, there are specific legislations, in the case of church properties, a similar law appears to be absent. India is a secular country. It means that the State should approach all the religions alike. Probably the time has come to include the church properties also within the scope of Section 22-A of the Act. This is a call which future should take. As on date, Section 22-A is not applicable to transactions involving church properties. Looked at from any angle, I do not find any justification for the second respondent declining to register the document in question.

7. The learned counsel for the petitioner points out that the property is being purchased from one Vijaya who in turn got the property through deed of settlement dated 17.03.2017. The settlement deed was executed by one M.Premkumar Prithviraj in whose favour the sale deed was executed by TELC on 19.06.2015. Both the sale deed in favour of Premkumar Prithviraj and the settlement deed in favour of Vijaya are registered documents. The revenue record has also been mutated. Patta standing in the name of Vijaya has been enclosed at Page No.37 of the typed set of papers.

8. In these circumstances, the impugned order has to be set aside. It is accordingly set aside. The petitioner is



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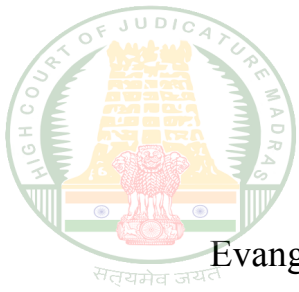
permitted to re-present the document before the second respondent. The second respondent shall entertain the same and register it and release it. The petitioner of course has to pay the requisite stamp duty and registration charges.”

Challenging the same, Chandrasekaran filed W.A(MD)No.1277 of 2024 and the Hon'ble Division Bench granted an order of interim stay of the order passed by me. The interim stay granted in C.M.P(MD)No.9826 of 2024 is still holding good.

6.The learned counsel for the petitioner states that in individual cases appeals have been filed before the Division Bench. And that except the circular issued by the Inspector General of Registration, there is no other restraint order.

7.I carefully considered the rival contentions and went through the materials on record.

8.The writ petitioner purchased the petition mentioned property vide sale deed dated 24.09.2021 (Document No.2615 of 2021 on the file of SRO, Thirupathur) from one Ruby Evangeline. The said Ruby



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Evangeline in turn purchased the property from one Godwin Lindsay vide sale deed dated 27.03.2013 in Document No.1088 of 2013 on the file of SRO, Thirupathur from Godwin Lindsay. The said Godwin Lindsay in turn purchased the property from TELC in the year 2004 vide sale deed dated 12.05.2004 in Document No.1000 of 2004 on the file of SRO, Thirupathur.

9.Thus, when the Hon'ble Division Bench passed interim order on 04.05.2017, the property had already changed hands from TELC to Godwin Lindsay and from Godwin Lindsay to Ruby Evangelin. The restraint order of this Court as well as circular issued by the Inspector General of Registration cannot impact past transactions. The restraint order passed by this Court would apply only to TELC properties. When the properties had already changed hands, they can no longer be called as TELC properties unless declaration is obtained that the earlier alienations are illegal. No such declaration has been obtained. In this view of the matter, the order impugned in this writ petition is quashed. The petitioner is permitted to present MOD. It shall be registered by the registering authority subject to the fulfilment of the other usual formalities.



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10.This Writ Petition is allowed accordingly. No costs.

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Consequently, connected miscellaneous petition is closed.

22.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Registrar,
District Registrar's Office,
Sivagangai.
- 2.The Sub Registrar,
Thirupathur Sub Registrar Office,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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