



W.P(MD)No.26354 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26354 of 2025

and

W.M.P.(MD)No.20490 of 2025

Ganesan

... Petitioner

Vs.

1.The District Registrar,
Tenkasi District.

2.The Sub Registrar,
Sankarankovil,
Tenkasi District.

3.The Assistant Commissioner /
Executive Officer,
Arulmigu Sankaranarayana Swamy Temple,
Sankarankovil,
Tenkasi 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 in pursuant to the Impugned Order passed by the 1st respondent in Na.Ka.No.972/Aal/2024 dated 06.03.2025 and quash the same and consequently direct the Respondents to release the sale deed in P3/2024 within the time limit that may be fixed by this Court.



W.P(MD)No.26354 of 2025

For Petitioner : Mr.S.Parthasarathy,
For Mr.M.Karthikeya Venkitchalapathy.

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mr.S.Manohar for R3

ORDER

Heard both sides.

2.Sale deed dated 14.08.2023 executed by Valli and others in favour of the writ petitioner was presented for registration. The registering authority declined to register the document on the ground that objection has been received from the third respondent. Challenging the stand of the registering authority, Valli filed W.P.(MD)No.24998 of 2023. The writ petition was disposed of by me vide order dated 16.10.2023 by mandating the registering authority to follow the procedure laid down by the Hon'ble Division Bench of this Court in the decision reported in **2017 (3) CTC 135 (Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, H.R & C.E. Department, Chennai)**. The matter was remanded to the file of the registering authority. Pursuant to the said



W.P(MD)No.26354 of 2025

direction, enquiry was held. Once again, the registering authority decided to strict to the earlier stand. Aggrieved by the same, the petitioner filed appeal before the District Registrar, Tenkasi under Section 72 of the Registration Act. The appeal was dismissed vide order dated 06.03.2025. Challenging the same, this writ petition has been filed.

3.The learned counsel on either side reiterated their respective positions.

4.The only question that calls for consideration is whether the third respondent temple has established a *prima facie* claim before the registering authority. From the materials on record, it is seen that the temple merely produced the extract of their property register. The said property register contains an entry that Survey No.392/B corresponding to Old Survey No.738/7 belongs to the temple. But such an entry in the record maintained by the temple may not suffice in all cases. Something more is required. On the other hand, the petitioner has enclosed a copy of the settlement register dated 26.02.1969. From which, one can notice that S.No.738/7 belonged to four persons namely, Shanmugam,



W.P(MD)No.26354 of 2025

VELAYUTHAM, ARUMUGAM AND ROKKAN. After the demise of the said four individuals, the property devolved on their legal heirs. Those legal heirs sold the property in favour of Sethu Ramalingam and Lakshmana Perumal vide sale deed dated 21.07.1986 (Document No.994/1986). The names of Sethu Ramalingam and Lakshmana Perumal were entered in the revenue record also. They also passed away. It subsequently devolved on their legal heirs namely, Valli and other numbering eight. The names of legal heirs of Sethu Ramalingam and Lakshmana Perumal were duly entered in the revenue record. Copy of Patta No.7574 of Kalapakulam Village has been enclosed in the typed set of papers. They are none other the vendors of the writ petitioner. They had executed sale deed dated 14.08.2023. As already mentioned, the registration was refused solely on the ground of objection raised by the third respondent / temple.

5.I had directed the registering authority to abide by the directions set out in ***Sudha Ravi Kumar's*** case. Clause 1 of Paragraph No.26 of the decision reads 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:



W.P(MD)No.26354 of 2025

(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.”

It means that the authority must hold a summary enquiry and pass a speaking order.

6.The authority virtually assumes a *quasi judicial* role. In this case, the onus lies on the temple because it was the temple who raised the objection. In support of their objection, some convincing material must be placed. Unfortunately, not even an iota of material has been placed. A mere entry in the property register of the temple may not really suffice. If the parties to the document are also not in a position to place any materials, in such circumstances, the entry in the property register of the temple could have tilted the case. That is not the case here. The writ petitioner has enclosed extract of the settlement register of the year 1969. Unlike, a revenue patta, a settlement patta stands on a far higher footing. It confers title. If the temple felt aggrieved by such an entry, it ought to have filed a civil suit to establish its pre-existing right. Such a course of action was not adopted.



W.P(MD)No.26354 of 2025

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7.It is not as if an instrument in respect of the property in question is being presented for the first time. As already noted, a sale deed was executed conveying the petition mentioned property way back in the year 1986 in favour of Sethu Ramalingam and Lakshmana Perumal. The legal heirs of Sethu Ramalingam and Lakshmana Perumal are the vendors the writ petitioner. I am therefore more than satisfied that the order passed by the registering authority warrants interference.

8.In this view of the matter, the impugned refusal check slip is quashed. The parties are at liberty to re-present the document. It shall be registered and released subject to fulfilment of other usual formalities. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.26354 of 2025

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To:-

- 1.The District Registrar,
Tenkasi District.
- 2.The Sub Registrar,
Sankarankovil,
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W.P(MD)No.26354 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.26354 of 2025

25.11.2025