



W.P.(MD)No.29373 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.29373 of 2024

Sethuraman Ponnusamy

: Petitioners

Vs.

1.The District Collector,
Kutchery Road,
Kumbakonam,
Tanjore District.

2.The Sub Registrar,
Thiruvudaimaruthur,
Tanjore District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records in proceedings No.01/2024 dated 22.11.2024, on the file of the 2nd respondent and quash the same as illegal incompetent and without jurisdiction and further direct the 2nd respondent to register the trust deed presented for registration dated 10.10.2024.



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For Petitioners : Mr.V.Ragavachari,
Senior Council
for Mr.S.Ramesh

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.M.Ramesh Arumugam
Government Advocate

ORDER

Heard Mr.V.Ragavachari, learned Senior Counsel for Mr.S.Ramesh, learned Counsel for the petitioner and Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.M.Ramesh Arumugam, learned Government Advocate, appearing for the respondents.

2.The petitioner has presented a Trust Deed for registration before the Sub-Registrar, Thiruvudaimarudhur. The second respondent has refused to register the said Trust Deed, raising an objection with regard to title of the petitioner to the said Trust and directed that necessary consent would have to be obtained from the Hindu Religious and Charitable Endowments Department.

3.Learned Senior Counsel appearing for the petitioner would submit that the property has not been dedicated to the temple and



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only a certain sum of money has been set apart for doing charity and religious activities in the temple. In any event, he would submit that the registering authority has no jurisdiction to go into the issues of title and it is for the HR & CE department to initiate independent steps, if according to them, the property is dedicated to the temple.

4.Learned Additional Advocate General would fairly submit that even recently in the case of ***K.Gopi Vs. The Sub-Registrar & others in Civil Appeal No.3954 of 2025***, the Hon'ble Supreme Court by order dated 07.04.2025, has held that the registering authorities have no powers to refuse to register documents, citing the issues of title as long as all procedural compliances are in place. Therefore, learned Additional Advocate General would submit that if the petitioner is willing to pay the requisite stamp duty in terms of Section 2(24) of the Indian Stamp Act, 1899, the second respondent will register the Trust Deed.

5.Recording the submission of the learned Additional Advocate General, the Writ Petition is disposed of, directing the second respondent to register the Trust Deed which has been presented for registration, subject to the petitioner paying the requisite stamp duty and the registration charges. It is made clear that in the event of the HR & CE Department deeming it as property belonging to the



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temple, it is open to the department to initiate steps in accordance with law. There shall be no order as to costs.

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Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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P.B.BALAJI., J.

MR

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