



W.P(MD)No.27064 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27064 of 2025

and

W.M.P.(MD)No.20999 of 2025

Mathias

... Petitioner

Vs.

The Joint Sub Registrar-I
Nagercoil,
Kanyakumari.

... 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 impugned refusal check slip under Refusal No.RFL/Joint Sub Registrar - I, Kanyakumari/48/2025 passed by the respondent dated 08.08.2025 and to quash the same as illegal and further to direct the respondent to register the sale deed dated 06.8.2025 executed by the petitioner relating to the property situated under New S.No.R1072 its town S.No.R11/92 measuring to an extent of 0.750 cents equivalent to 30.36 sq.mts situated at Vadiveeswaram East village, Agastheeswaram Taluk, Kanyakumari District and building attached in the said property.



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For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.D.Gandhiraj,
Spl. Government Pleader.

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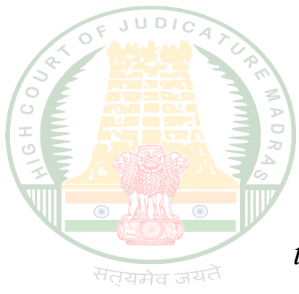
ORDER

Heard both sides.

2.The writ petitioner is a vendor. He executed sale deed in favour of one Ayyappan and Mathana Kumar and it was presented for registration. Citing the objection received from a religious institution, the registration was refused. Challenging the refusal check slip, this writ petition has been filed.

3.It is seen that the registering authority did not follow the procedure laid down by the Hon'ble Division Bench in the decision reported in ***2017 (3) CTC 135 (Sudha Ravi Kumar Vs. The Special Commissioner & Commissioner, H.R & C.E. Department, Chennai)***. The Hon'ble Division Bench issued the following directions:-

“(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to



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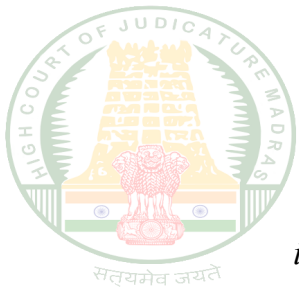
the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.

(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



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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.”

Hence, the impugned refusal check slip is quashed. The matter is remitted to the file of the respondent. The respondent will conduct enquiry by adhering to directions mentioned above. The entire exercise shall be complied within a period of eight weeks from the date of receipt of a copy of this order.

4.This writ petition is allowed on these terms. No costs.
Consequently, connected miscellaneous petition is closed.

26.09.2025

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

The Joint Sub Registrar-I
Nagercoil,
Kanyakumari.

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G.R.SWAMINATHAN, J.

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