



W.P(MD)No.32147 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.32147 of 2025

Murugaiah

... Petitioner

Vs.

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

2.Arulmigu Sankaranarayana Swamy Temple,
Rep. by its Assistant Commissioner/Executive Officer,
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, calling for the records relating to the impugned refusal check slip in RFL/Sankarankovil/57/2025 dated 03.04.2025 passed by the 1st respondent and quash the same and consequently direct the 1st Respondent herein to register the sale deed presented by the petitioner dated 03.04.2025.



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For Petitioner : Mr.P.Sureshkumar

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1.
Mr.S.Manohar,
Standing Counsel for R2.

ORDER

Heard both sides.

2.Sale deed dated 03.04.2025 was executed in favour of the petitioner by one Mariyappan. It was presented for registration. The registering authority declined to register the document and called upon the petitioner to obtain no objection certificate from the second respondent / temple. Challenging the refusal check slip, this writ petition has been filed.

3.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)** had dealt with a similar issue and issued the following directions:-



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“(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 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



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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.”

4.In this case, the procedure indicated above was not followed. On that ground, the impugned refusal check slip is quashed. The matter is remitted to the file of the first respondent. The first respondent will hold enquiry by adhering to the directions set out above.

5.This writ petition is allowed on these terms. No costs.

12.11.2025

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

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



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G.R.SWAMINATHAN, J.

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