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W.P.(MD)NO.32819 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.32819 of 2025

M.A.M.Subramanian Chettiar,
Educational Society,
Rep. by its Secretary,
Mr.Subramanian,
S/o.Kasi Chettiar,
Door No.T9/4, 4th Main Road,
Anna Nagar, Chennai – 600 040.

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai – 600 004.

2. The Sub Registrar,
Thirumayam,
Thirumayam Taluk,
Pudukkottai District.

3. The Assistant Commissioner,
HR&CE Department,
Pudukkottai.

4. Jubilee Plot & Housing Private Ltd.,
Rep. By its Director,
A.r.Dharmalingam
No.1379C, Vallalar Kudiyeruppu,
6th Street, I Block, 18th main road,
Anna Nagar West, Chennai – 600 040.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to register the sale deed executed by the petitioner in favour of the fourth respondent as and when presented before the second respondent for registration on payment of the required stamp duty and registration charges without insisting for “No Objection Certificate” from the third respondent.

For Petitioner : Mr.T.M.Pappiah

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader
for R-1 & R-2.
Mr.P.Subbaraj,
Special Government Pleader for R-3.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent.

2. The third respondent had written to the second respondent calling upon him not to register any document pertaining to survey No.37/1 in Neivasal Vilage, since it belongs to Arulmighu Avudayanayagi Ambal Sametha Agameswarar Thirukovil,



Pillamangalam Village, Thirumayam Taluk. The writ petitioner had executed a draft sale deed in favour of the fourth respondent and produced the same before the second respondent and called upon him to respond. The second respondent informed the petitioner about the communication received from the third respondent.

3. It is in this background, the present writ petition has been filed. The prayer now sought for in the writ petition has already been extracted.

4. The learned counsel appearing for the writ petitioner is right in his contention that Section 22A of the Registration Act 1908 will kick in only if the Tamil Nadu Hindu Religious Charitable and Endowments Act, 1959 is applicable. My attention is also drawn to the order dated **09.06.2023 in W.P.(MD)No.13408 of 2023 (K.Chandrasekaran Vs. The Assistant Commissioner, HR&CE Department, Pudukottai)** in which it has been categorically stated that the temple in question is not a public temple and that the HR&CE authorities would not have jurisdiction to interfere with its management and administration.

5. Of course, 2+2=4. But unfortunately, the writ petitioner had not impleaded the temple before me. I am therefore not in a



position to form any inferential conclusion. However, relief can be granted to the writ petitioner in the following terms:-

The authorities are permitted to present the deed of conveyance before the registering officer(R2 herein). The registering officer will issue notice to the concerned official of the HR&CE Department(R3 herein) as well as the temple concerned. The enquiry shall be held in the manner laid down in ***Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others ((2017) 3 CTC 135)***. For the sake of convenience, the directions set out in the aforesaid decision are as follows:-

“25. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:

(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 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.”

Before undertaking the above exercise, the registering officer will have to come to the conclusion that the provisions of the TN HR&CE Act, 1959 are applicable to the temple in question. If the registering officer arrives at the conclusion that TN HE&CE Act is not applicable to the case on hand, then automatically, Section 22-A of the Registration Act is also out of picture. In that event, the objections raised by the third respondent cannot come in the way. With the aforesaid observation and directions, this writ petition stands disposed of. No costs.

18.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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WEB COPY **To:**

1. The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai – 600 004.
2. The Sub Registrar,
Thirumayam,
Thirumayam Taluk,
Pudukkottai District.
3. The Assistant Commissioner,
HR&CE Department,
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G.R.SWAMINATHAN,J.

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