



WP(MD). No.35091 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.12.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.35091 of 2025
and
WMP(MD)No.27796 of 2025

Pavunthai

... Petitioner

versus

1. The Sub Registrar,
O/o. Sub Registrar Office,
Joint - II Sub Registrar Office,
Dindigul.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul District.
3. The Executive Officer/Authorized Person,
Arulmigu Muthalamman Kovil,
Konadanampatti,
Dindigul District.

... Respondents

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 pertaining to the Impugned Refusal Check Slip in Refusal



WP(MD). No.35091 of 2025

Number.RFL/2 No. Joint-II Sub registrar Dindigul/132/2025 issued by the 1st Respondent dated 25.11.2025 and quash the same as illegal and consequently direct the 1st Respondent to register the Sale Deed Document presented by the Petitioner within time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 : Mr.K.S.Selva Ganesan,
Additional Government Pleader

ORDER

The petitioner has submitted a document for registration before the first respondent and the same was refused to be registered, on the objection of the HR&CE Department, by a refusal check slip dated 25.11.2025. Challenging the same, this writ petition has been filed.

2. The learned counsel appearing for the petitioner submits that the Division Bench of this Court, in ***W.P.Nos.30589 of 2013, etc. (batch cases) dated 05.04.2017***, held that in such case of objections raised by the HR&CE Department, necessary enquiry has to be conducted. In this case, a summary order has been passed without conducting an enquiry.



WP(MD). No.35091 of 2025

Therefore, it needs to be interfered with.

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3. The learned Additional Government Pleader submits that the subject property belongs to the HR&CE Department and they have also filed their objections before the Registrar.

4. This Court considered the rival submissions made.

5. The Division Bench of this Court, while disposing of a batch of writ petitions *in W.P.Nos.30589 of 2013, etc. (batch cases) on 05.04.2017*, has issued certain guidelines as under:

“(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.”



WP(MD). No.35091 of 2025

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6. In view of the same, this writ petition is allowed and the impugned refusal check slip in refusal No.RFL/2 No. Joint-II Sub registrar Dindigul/132/2025 issued by the first Respondent dated 25.11.2025 is hereby set aside. There shall be a direction to the first respondent to conduct an enquiry as per the direction of the Division Bench of this Court (as cited supra) and pass appropriate orders, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2025

ogy

Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

To

1. The Sub Registrar,
O/o. Sub Registrar Office,
Joint - II Sub Registrar Office,
Dindigul.

