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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 5403 of 2020

and

W.M.P.No.6329 of 2020

Velayutham
S/o.Vasuvalingam, Thuraiyur,
Trichy District

..Petitioner(s)

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment
Department, Nungambakkam High Road,
Nungambakkam, Chennai
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Cuddalore
3. The Joint Registrar No.I,
Virudhachalam, South Arcot District

..Respondent(s)

To call for the records of the 2nd respondent in Na. Ka. No. 4743/ 2013/ A4 dated 12.12.2019 and quash the same and consequently forbear the respondents 1 and 2 from interfering with the functioning of the Institution at Thuraiyur and Virudhachalam as also with the power of the Head of the Institution to deal with the properties of the Institution.

For Petitioner(s): Ms.K.Indhumathi

For Respondent(s): Mr.S.Ravichander,
Addl.G.P. (HR&CE) for R1 to R3.



ORDER

WEB COPY (Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the objection letter given by the Assistant Commissioner, HR&CE Department to the Joint Sub-Registrar-I, Virudhachalam, in letter dated 12.12.2019.

2. The objection letter has been submitted by the HR&CE Department under Section 22A of the Registration Act, 1908. In respect of such objection to Register any document filed or presented, an enquiry is contemplated under the Registration Act. In the present case, the Assistant Commissioner, HR & CE Department filed a counter affidavit and in paragraph No.5 of the counter affidavit, it is stated as follows:

"5. It is further submitted that

(a) Consequent upon the letter dated 12-12-2019, the 3rd respondent held enquiry by examining the petitioner as well as the representative of the HR&CE Department by his proceedings under Na.Ka.No.3075/AB/2019, dated 09-01-2020 concluded that, the document of sale executed by the petitioner in favour of Dr.Ilavarasan cannot be registered in view of Section 22-A(i)(ii) of Registration Rules.

(b) In order to circumvent the order of 3rd Respondent, the petitioner who is executants of the sale deed has come forward with the present writ petition by filing this Writ Petition on 04.02.2020 i.e., after the date of the order of the Sub-Registrar.

(c) The letter dated 12-12-2019 which is under challenge now, is in the form of an objection to register the



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document of sale relating to the aforesaid immoveable property of the Institution and such objection was considered by the 3rd respondent which culminated by the order dated 09-01-2020 under his proceedings Na.Ka.No.3075/AB/2019. As the letter by way of objection to register the documents has merged with the order of the 3rd Respondent dated 09-01-2020, **the instant Writ Petition impugning the letter in Na.Ka.No.4743/2013/A4, dated 12-12-2019 of the 2nd respondent herein has become infructuous and cannot stand any scrutiny.**

(d) Otherwise, the petitioner ought to have challenged the dated 12-12-2019 well before passing order of 3rd Respondent dated 09-01-2020. For this reason also, the contents of the writ petition cannot be countenanced.

(e) In the meantime, the said Order of the Sub-Registrar dated 09.01.2020 was challenged by the said Ilavarasan in W.P.No.5368/2020 which was allowed on 20.03.2023, the Writ Appeal filed by the Department against the said order dated 20.03.2023 in C.M.P.No.20797 of 2024 in W.A.SR.No.14936 of 2024 was dismissed on 23.01.2025 on the ground of filing of Writ Appeal beyond the time limit. However, the Department will take further action to file review petition on the dismissal order of the Writ Appeal.”

3. The objection letter dated 12.12.2019, which is under challenge in the present writ petition, culminated into an enquiry and the 3rd respondent/Joint Registrar, Virudhachalam, passed a reasoned order in proceedings dated 09.01.2020. The said consequential order remains unchallenged and therefore, the cause for institution of the present writ petition became



vanished.

4. That part, the procedure to be followed for conducting an enquiry under Section 71 has been considered by the Division Bench of this Court in ***Munisamy vs. The Sub-Registrar*** reported in **2025 MHC 2588**. Scheme under the Act requires a reasoned order to be passed by the Registering Authority. In the present case, after conducting an enquiry, the Registering Authority passed a reasoned order in proceedings dated 09.01.2020 under Section 71 of the Act. An aggrieved person may prefer an appeal before the Appellate Authority under Section 72 of the Registration Act. Thereafter, Section 73 contemplates institution of a suit by an aggrieved person. When the Scheme under the Act provides an alternate remedy for redressal of grievance, Writ Court cannot adjudicate the disputed issues relating to civil rights. Any registration, without conducting an enquiry, would result in serious consequences, as transfer of title would occur. That apart, civil rights cannot be adjudicated neither by the registering authority under the Registration Act nor by the Writ Court under Article 226 of the Constitution of India.

5. Section 22(A) contemplates that HR&CE Department may file an objection in respect of temple property or endowment. If any registration of document is refused based on the objection, then the aggrieved person shall submit an explanation along with documents for conduct of an enquiry. The Registering Authority, after conducting an enquiry by affording an opportunity to the parties, passed a reasoned order and such reasoned order passed under Section 71 is appealable under section 72 of the Act. Finally, a suit



would also lie under Section 73 of the Act. The present writ petition is infructuous on the ground that an enquiry under Section 71 of Registration Act was conducted and finally, a reasoned order was passed by the Registering Authority on 09.01.2020.

6. Granting liberty to the petitioner to work out his remedy under the Scheme contemplated under the Registration Act, the present Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)
25-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

1. The Commissioner,
Hindu Religious and Charitable Endowment
Department, Nungambakkam High Road,
Nungambakkam, Chennai.
2. The Assistant Commissioner,
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3. The Joint Registrar No.I,
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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

vsi

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