



W.P.Nos.29131 and 29132 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.29131 and 29132 of 2013

1.P.Senthilkumar

2.T.Sangeetha

... Petitioners in both the W.Ps.

Vs.

1.The Asst. Commissioner of HR&CE,
Namakkal.

2.The Inspector of HR&CE,
Rasipuram,
Namakkal District.

3.The Sub-Registrar,
Rasipuram,
Namakkal District.

... Respondents in W.P.29131/2013

1.The District Revenue Officer,
Namakkal.

2.The Sub-Collector / Revenue Divisional Officer,
Namakkal.

3.The Tahsildar,
Rasipuram,
Namakkal District.

4.The Asst. Commissioner of HR&CE,
Namakkal.



W.P.Nos.29131 and 29132 of 2013

5.The Inspector of HR&CE,
Rasipuram,
Namakkal District.

6.The Sub-Registrar,
Rasipuram,
Namakkal District.

... Respondents in W.P.29132/2013

Prayer in W.P.No.29131 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Letter dated 26.11.2010 issued by the second respondent and quash the same, consequentially direct the third respondent to register the documents in respect of the lands in comprised Survey No.63/2 in Molapalayam Village within the Sub-Registration District of Rasipuram and Registration District of Namakkal, without insisting "No Objection Certificate" from HR&CE Department or any other officials.

Prayer in W.P.No.29132 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order in Pa.Mu.1966/2012/A6 dated 05.07.2012 on the file of the second respondent and quash the same, as illegal, as "No Objection Certificate" is not required from the Revenue Authorities for registration of documents.



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W.P.Nos.29131 and 29132 of 2013

For Petitioners : Mr.R.Shunmuga Sundaram
Senior Counsel
for M/s.Sona Satish Kumar
in both the W.Ps.

For Respondents : Mr.N.R.R.Arun Natarajan for R1 & R2
Special Government Pleader
Ms.V.Yamuna Devi for R3
Special Government Pleader
in W.P.29131 of 2013

Ms.V.Yamuna Devi for R1 to R3, R6
Special Government Pleader
Mr.N.R.R.Arun Natarajan for R4 & R5
Special Government Pleader
in W.P.29132 of 2013

COMMON ORDER

W.P.No.29131 of 2013 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order in Letter dated 26.11.2010 issued by the second respondent and quash the same, consequentially direct the third respondent to register the documents in respect of the lands in comprised Survey No.63/2 in Molapalayam Village within the Sub-Registration District of Rasipuram and Registration District of Namakkal, without insisting "No Objection Certificate" from HR&CE Department or any other officials.

2.W.P.No.29132 of 2013 has been filed seeking issuance of Writ



W.P.Nos.29131 and 29132 of 2013

of Certiorari calling for the records pertaining to the order in Pa.Mu.1966/ 2012/A6 dated 05.07.2012 on the file of the second respondent and quash the same, as illegal, as "No Objection Certificate" is not required from the Revenue Authorities for registration of documents.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

4.The learned Senior Counsel appearing for the petitioners submitted that the petitioners are the owners of the property measuring an extent of 73 cents in S.No.63/1 and 2.31 acres comprised in S.No.63/2 in Molapalayam Village within the Sub Registration District of Rasipuram and the said property was purchased vide sale deed dated 10.02.2010 registered as Document No.720/2010 on the file of SRO, Rasipuram, from one P.Yuvarajan and patta was also issued in their name in Patta No.546 dated 21.06.2010 by the Head Quarters Tahsildar, Rasipuram. Whiles, the impugned order in Letter dated 26.11.2010 was sent by the Inspector of HR&CE, Rasipuram to the SRO, Rasipuram stating that the lands in S.Nos.63/2



W.P.Nos.29131 and 29132 of 2013

and 63/5 in Molapalayam Village belongs to Thaanthoniamman Temple and requested the Sub Registrar, Rasipuram not to register the documents pertaining to the said lands in the name of the individuals.

5.The learned Senior Counsel appearing for the petitioners further submitted that the petitioners came to know that there was a prohibition/ ban on registration of documents in respect of the lands in S.No.63/2, based on the letter given by the Inspector of HR&CE, Rasipuram and hence, the first petitioner made request to the Revenue Officials to issue No Objection Certificate to register the documents, however, the same was rejected vide impugned order dated 05.07.2012.

6.The learned Senior Counsel appearing for the petitioner further submitted that the issue involved in these writ petitions is no longer res integra and the same has already been decided by the Hon'ble Division Bench of this Court in the decision reported in **2017 (3) CTC 135 [Sudha Ravi Kumar vs. The Special Commissioner and others]**. The learned Senior Counsel prayed that this Court may issue direction to the Sub-Registrar, Rasipuram, to follow the



W.P.Nos.29131 and 29132 of 2013

procedure contemplated in the decision reported in 2017 (3) CTC 135 and entertain the document presented by the petitioners, without reference to the letter of the Inspector of HR&CE, Rasipuram, Namakkal District dated 26.11.2010 and the order passed by the Sub-Collector / Revenue Divisional Officer, Namakkal dated 05.07.2012.

7.The respective learned Special Government Pleader appearing for the respondents raise no serious objection for the respondents following the procedure contemplated in the decision reported in 2017 (3) CTC 135 while entertaining the document/ sale deed presented by the petitioners.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.The petitioners purchased an extent of 73 cents in S.No.63/1 and 2.31 acres comprised in S.No.63/2 in Molapalayam Village within the Sub Registration District of Rasipuram from one P.Yuvarajan and the revenue records are also mutated in their favour. Whiles, the the Inspector of HR&CE, Rasipuram, Namakkal District vide letter dated 26.11.2010 stated that the lands in S.Nos.63/2 and



W.P.Nos.29131 and 29132 of 2013

63/5 in Molapalayam Village belongs to Thaanthoniamman Temple and requested the Sub Registrar, Rasipuram, not to register the documents pertaining to the said lands in the name of the individuals and the Sub-Collector / Revenue Divisional Officer, Namakkal vide order dated 05.07.2012 rejected the request of the first petitioner for issuance of No Objection Certificate to register the documents.

10.The issue involved in these writ petitions is no longer res integra and the same has already been decided by the Hon'ble Division Bench of this Court in the decision reported in **2017 (3) CTC 135 [Sudha Ravi Kumar vs. The Special Commissioner and others]**, the relevant portion of which is extracted hereunder:

"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



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W.P.Nos.29131 and 29132 of 2013

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



W.P.Nos.29131 and 29132 of 2013

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.

(vi) Consequently the connected miscellaneous petitions are closed. No costs."

11. In view of the above, the letter of the Inspector of HR&CE, Rasipuram, Namakkal District dated 26.11.2010 and the order passed by the Sub-Collector / Revenue Divisional Officer, Namakkal dated 05.07.2012 are set aside. If any document is presented by the petitioners before the Sub-Registrar, Rasipuram, the Sub-Registrar, Rasipuram, is directed to follow the procedure contemplated in the decision of the Hon'ble Division Bench of this Court reported in **2017 (3) CTC 135**.



W.P.Nos.29131 and 29132 of 2013

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12. With the above observations and directions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

03.03.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1. The Asst. Commissioner of HR&CE,
Namakkal.
2. The Inspector of HR&CE,
Rasipuram,
Namakkal District.
3. The Sub-Registrar,
Rasipuram,
Namakkal District.
4. The District Revenue Officer,
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5. The Sub-Collector / Revenue Divisional Officer,
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W.P.Nos.29131 and 29132 of 2013

M.DHANDAPANI,J.
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W.P.Nos.29131 and 29132 of 2013

03.03.2026