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WP No. 10395 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 10395 of 2026

AND

WMP NO. 11263 OF 2026

1. Annamalai
S/o. Muthu gounder,
Thirumaaloor, Iruppali Village,
Edappadi Taluk,
salem district
2. Arunachalam
S/o. Muthu gounder,
Thirumaaloor, Iruppali Village,
Edappadi Taluk,
salem district
3. Settu
S/o. Arthanari,
Nellukkaravan Valavi,
Karikkappatty village,
Mettur Taluk,
salem district
4. Sambu
W/o. Settu ,
Nellukkaravan Valavi,
Karikkappatty village,
Mettur Taluk,
salem district

..Petitioner(s)

Vs

1. The District Collector
Salem,
Salem district.
2. The District Registrar of Registration
Salem district



3. The Joint Commissioner
HR and CE Department,
salem district

4. The sub Registrar
Jalakandapuram Sub Registrar office,
salem district

..Respondent(s)

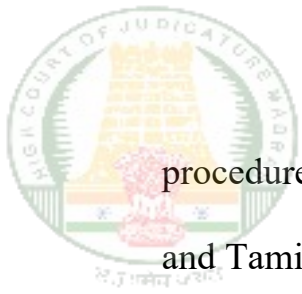
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the 3rd respondent to issue No Objection certificate for registering document in respect to the property situated at Irupali Village, Edappadi Taluk, Salem district comprised in Survey Nos. 541/3 (1.45 Acres), 541/4 (1.05 Acres) and 541/5 (10Cents) totally measuring 2 Acres and 60 cents and consequently direct the 4th respondent to register the documents such as sale agreement sale deed, Mortgage deed and other deeds of conveyance with respect to the aforementioned property as as and when executed and presented either by the petitioners or their agent for registration after following the procedure prescribed for registration of documents under the registration Act and Tamil Nadu Registration rules and pass

For Petitioner(s): Mr.C.Deepakkumar

For Respondent(s): Mr.T.M.Rajangam, Government Advocate for
R1, R2 & R4
Mr.N.R.R.Arun Natarajan, Special Government
Pleader (HR & CE) for R3

Order

Writ Petition is filed to direct the 3rd respondent to issue No Objection certificate for registering document in respect to the property after following the



procedure prescribed for registration of documents under the registration Act and Tamil Nadu Registration rules

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2. The case of the petitioner is that the petitioners 1 and 2 are brothers and they purchased the property situated at Iruppali Village, Edappadi Taluk, Salem District, comprised in S.F.Nos.541/3 and 541/5 and subsequently certain extent of land was sold by the petitioners 1 and 2 in favour of the petitioners 3 and 4. When the petitioners attempted to present documents for registration, the 4th respondent refused to register the same stating that the property in question was included in the list issued by the 1st respondent in his proceedings dated 13.08.2012, wherein certain lands were mentioned as belonging to Arulmigu Kailasanathar Temple, Tharamangalam. Hence, the petitioners have submitted a representation dated 06.03.2026 to the respondents requesting them to issue a No Objection Certificate and to permit registration of documents relating to the above property. Since the said representation is not considered, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that the issue involved in the present case is no longer res integra. It has already been considered by the Hon'ble Division Bench of this Court in the decision reported in **(2017) 3 CTC 135 [Sudha Ravi Kumar and another Vs. The Special**



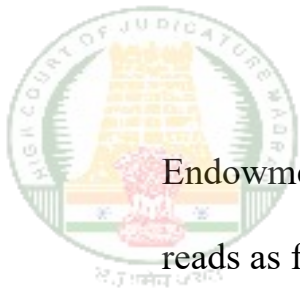
Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others], wherein, the Hon'ble Division

Bench of this Court has issued direction to the Registration Department to conduct enquiry in between the executant of the deed and religious Institution and thereafter to pass orders. In the present case, the fourth respondent, without affording any opportunity to the petitioner and without conducting any enquiry, simply returned the document presented by the petitioner for registration for the reason that the petition mentioned property belongs to the above said Temple, which is unsustainable one.

4.The learned Special Government Pleader did not dispute the facts submitted by the learned counsel appearing for the petitioner.

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

6.The issue raised in this writ petition is no longer res integra. Similar issue has already been settled by the Hon'ble Division Bench of this Court in the decision reported in (2017) 3 CTC 135 [Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable



Endowments Department, Chennai and others], the relevant portion of which reads as follows:

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“25. But this observation of ours shall not be construed that it is our conclusion that ryotwari patta issued to the ryot concerned is the final adjudication relating to the title for the property. We wish to clarify that the final adjudication regarding the title to the property can be had only before a Civil Court. We only say that at the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering authority shall issue notice afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious institution or given or endowed to the religious institution, then, he shall refuse to register such deed.

26. 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 <https://www.mhc.tn.gov.in/judis> 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 <https://www.mhc.tn.gov.in/judis> 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.”

7. The decision cited supra makes it clear that at the time of registration of the deed, if any objection is made by the religious institution, the registering Authority shall afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious Institution or given or endowed to the religious Institution, then, he shall refuse to register such deed.

8. In the present case, the fourth respondent, without affording any opportunity to the petitioner and without conducting any enquiry, simply returned the document presented by the petitioner for registration on the ground that the petition mentioned property belongs to the Temple, which is unsustainable one.



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9. Accordingly, the fourth respondent is directed to consider the document presented by the petitioner and after conducting enquiry with the petitioner, in terms of Division Bench decision cited supra, the 4th respondent shall pass appropriate orders.

10. The writ petition is disposed of on the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

17-03-2026

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

SK

To

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Salem,
Salem district
2. The District Registrar of Registration
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