



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.49004 of 2025

Dhanalakshmi Sababathisivam

... Petitioner

-VS-

1.The District Collector,
Collectorate Complex,
Fort Main Road, Salem 636 001.

2.The Sub Registrar, Jalakandapuram,
Edappadi Taluk, Salem District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department, Salem.

4.The Executive Officer,
Arulmigu Kailasanadhar Kovil,
Tharamangalam, Salem District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to quash the order dated 17.10.2025 in Ref.RFL/Jalakandapuram/41/2025 passed by the 2nd



respondent herein and consequently direct the 2nd respondent herein to register the sale deed dated 17.10.2025 executed by the petitioner in favour of Mr.Umapathy in respect of the lands in S.No.491, 494, 496/2 and 497/4, measuring 10 cents each and the lands measuring 16 cents in S.No.496/1, Erupalli Village, Edapadi Taluk, Salem District.

For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.U.Baranidharan,
1, 2 Special Government Pleader

For Respondents : Mr.N.R.R.Arun natarajan
3, 4 Special Government Pleader (HR & CE)

ORDER

The petitioner presented sale deed dated 17.10.2025 in respect of lands in about 5 survey numbers at Erupalli Village for registration. The request for registration was declined under impugned refusal check slip dated 17.10.2025.



2. Learned counsel for the petitioner submits that about 350 acres of land belonged to one Sri Kuppusamy from whom the petitioner traces title. By relying on order dated 04.02.2021 of the District Collector, Salem, learned counsel contends that the District Collector recognized that the temple is not the owner of the larger extent, including the smaller extent covered by the sale deed presented for registration. By referring to the impugned order, learned counsel submits that the Sub Registrar failed to even conduct a summary inquiry to ascertain whether the lands belong to or were endowed to the temple. Instead, on the basis of a communication dated 03.01.2025 stating that steps are being taken to put together documents relating to the property, he submits that the petitioner was directed to obtain a no objection letter from the temple.

3. Learned Special Government Pleader accepts notice for respondents 1 and 2. Learned Special Government Pleader, HR & CE, accepts notice for respondents 3 and 4. On behalf of the HR & CE Department, learned Special Government Pleader submits that the definition of “religious endowment” under Section 6(17) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (HR & CE Act) is



extremely wide and that the grant of an inam to an Archaka, service holder, employee of other religious institution shall be deemed to be a religious endowment. He also submits that one Sabapathy, who is the father of the petitioner, had filed a civil suit in O.S.No.283 of 2020 before the District Judge, Salem without arraying the Temple and HR & CE Department as parties. In these circumstances, he contends that there is no infirmity in the order impugned. He also submits that the petitioner should file a civil suit seeking a declaration of title by joining the other parties as defendants therein. He submits further that power has been vested in the Joint Commissioner or Deputy Commissioner to decide whether the property is a religious endowment under Section 63(c) of the HR & CE Act.

4. In *Sudha Ravikumar and another v. Special Commissioner and Commissioner, HR & CE Departments and others*, 2017 SCC Online Madras 19191, the Division Bench of this Court issued directions in paragraph 26 with regard to objections under Section 22A of the Registration Act. Clause (i) thereof is 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



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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.”

5. On perusal of the impugned order, it is noticeable that a summary inquiry, as directed by the Division Bench, was not conducted before issuing the impugned order. Therefore, the impugned order cannot be sustained and is hereby set aside. As a corollary, the matter is remanded to the Sub Registrar for reconsideration. After providing a reasonable opportunity to the petitioner the Temple and the HR & CE Department, a fresh speaking order shall be issued within ***eight weeks*** from the date of receipt of a copy of this order.

6. The writ petition is disposed of on these terms. No costs.

06.01.2026

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



To
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