



W.P.(MD)No.4118 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.02.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.P.(MD)No.4118 of 2026**

V.Ganesan

... Petitioner

Vs.

1.The District Registrar,  
Nagercoil,  
Kanyakumari District.

2.The Sub Registrar,  
Vadasery Sub Register Office,  
Vadasery, Kanyakumari District.

3.The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Nungambakkam, Chennai.

4.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Tirunelveli, Tirunelveli District.



W.P.(MD)No.4118 of 2026

5.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Nagercoil, Kanyakumari District. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check slip in No.RFL/Vadasery/01/2026 dated 09.01.2026 of the second respondent and quash the same and direct the second respondent to register the Deed of Will dated 09.01.2026 executed by this petitioner within the stipulated time.

For Petitioner : Mr.B.Rajesh Saravanan  
For Respondents 1 to 3 : Mr.K.S.Selvaganesan,  
Additional Government Pleader

### **ORDER**

Challenge has been made against the impugned refusal slip issued by the respondent dated 09.01.2026.

2.By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.4118 of 2026

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**3.**The learned Counsel for the petitioner would submit that the subject property originally belonged to a private temple namely Shri Kaniyakulam Kantan Sastha Temple, which was managed by the family of one H.Narayanan. Since there was a dispute among the family members, O.A.No.56 of 1961 came to be filed before the Deputy Commissioner of HR & CE Department, Madurai, seeking to recognise the said temple as a private temple. The said O.A.No. 56 of 1961 was dismissed, against which an appeal under Section 69(1) of the HR & CE Act came to be filed before the Commissioner of HE & CE Department, Chennai. The said appeal in Appeal No.8 of 1965 was allowed on 21.09.1965.

**4.**Thereafter, the family members of the said temple executed a power of attorney in favour of one H.Narayanan vide Document No.38 of 2009 dated 12.02.2009. The said H.Narayanan, sold 27 acres of land in S.No.733/4 of Vadasery Village, to one Uma Kamal Rani on 09.04.2009. Subsequently, on 28.05.2009, the said Uma Kamal Rani, sold 7.080 cents of the said property to the petitioner vide Document No.968 of 2009. Now, the petitioner intends to settle the property to his son Aravind through a Deed of Will and



W.P.(MD)No.4118 of 2026

when the same was presented before the second respondent for registration on 09.01.2026, the second respondent refused to register the same, directing the petitioner to get “No Objection Certificate” from the HR & CE Department.

5.Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that as on 29.10.2024, the Assistant Commissioner of HR & CE Department has given objection to register any document with respect to the subject property. Hence, the second respondent is not in a position to register the sale deed.

6.Heard the learned Counsel on either side.

7.Considering the submissions made by the petitioner as well as the respondents, in the present case, as far as the subject property is concerned it has attained finality on 21.09.1965 itself, in Appeal No.8 of 1965, filed under Section 69(1) of the HR & CE Act. In the said appeal, it was declared that the property is private property belonging to the Trust and the HR & CE Department has nothing to do with the same. Such being the case, now without



W.P.(MD)No.4118 of 2026

taking into consideration the said order and by total non-application of mind to the objection filed by the HR & CE Department dated 29.10.2024, the second respondent cannot issue the impugned Refusal Check Slip.

**8.**Even otherwise, if the HR & CE Department is aggrieved, they will have to approach the Civil Court for redressal of their grievance. They cannot simply make objections when the issue has attained finality in Appeal No.8 of 1965 on 21.09.1965, in favour of the petitioner, declaring the property as a private property. Such being the case, I do not find any impediment for the second respondent to register the Deed of Will presented by the petitioner.

**9.**Therefore, the impugned order dated 09.01.2026, passed by the second respondent is set aside. While setting aside the impugned order, this Court directs the second respondent to register the Deed of Will, upon re-presentation of the same by the petitioner, with immediate effect.



W.P.(MD)No.4118 of 2026

WEB COPY

**10.** Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

**16.02.2026**

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



W.P.(MD)No.4118 of 2026

WEB COPY

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W.P.(MD)No.4118 of 2026

**KRISHNAN RAMASAMY, J.**

MR

**W.P.(MD)No.4118 of 2026**

**16.02.2026**