



W.P(MD)No.5544 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 02.03.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.5544 of 2026

Thilagalakshmi

... Petitioner

Vs.

1.The District Registrar
O/o The District Registrar
Jeganathan street
Behind SLB Govt Girls High school
Kanyakumari 629 001

2.The Sub Registrar
O/o The Sub Registrar
Thovalai Main Road
Kanyakumari 629 302

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd Respondent in Refusal Check Slip No.RFL/Thovalai/15/2026 dated 12.02.2026 thereby refusing to register the document and quash the same as illegal and consequently direct the 2nd Respondent to entertain the sale agreement dated 06.02.2026 presented by the petitioner for registration in TP/249396125/2026.

For Petitioner :Mr.M.Ananthkumar



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For Respondents :Mr.A.Baskaran
Additional Government Pleader

ORDER

The writ petition is filled calling for the impugned order passed by the second respondent in Refusal Check Slip No.RFL/Thovalai/15/2026 dated 12.02.2026, thereby refusing to register the document and quash the same and consequently direct the second respondent to entertain the sale agreement dated 06.02.2026 presented by the petitioner for registration in TP/249396125/2026.

2.The learned counsel by taking this Court to various documents including the certificate issued by the Village Administrative Officer would submit that the temple in question is not even in existence. It was earlier declared to be a private temple. Therefore, no request at all could have been issued by the authorities. In any event, the Sub-Registrar, without even considering the documents, has issued the refusal check slip.

3.The issue is no longer *res integra*, since it is covered by the Division Bench judgment of this Court in ***Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Hindu Religious and***



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Charitable Endowments Department, Chennai and others reported in (2017)

3 CTC 135. Para 25 of the said judgment is extracted hereunder for ready

reference:-

"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 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 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.



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

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4. Therefore, whenever a letter is issued under Section 22A, the Sub-Registrar is not bound by the said letter itself. He has to conduct an independent enquiry by affording opportunity to the presenter of the document as well as the concerned temple or the authority and decide the matter in the manner known to law, as directed by the Division Bench and thereafter, it is for the aggrieved party to file appeal or to approach the Civil Court. It will be open for the petitioner to raise all contentions before the Sub Registrar including that the temple is a private temple and also the fact that the temple is not in existence or any other contention whatsoever which will be considered on its own merits.

5. In view thereof, the Writ Petition is allowed on the following terms.

The check slip dated 12.02.2026 bearing No.RFL/Thovalai/15/2026 is set aside and the matter is remanded back to the file of the second respondent for reconsideration as per the directions issued by the Division Bench in the judgment *stated supra* and accordingly, the orders will be passed and the aggrieved party will approach the civil Court or file an appeal, as the



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case may be.

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No costs.

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NCC : Yes / No

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To

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D.BHARATHA CHAKRAVARTHY, J.

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