



WEB COPY

W.P(MD)No.9173 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.04.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.9173 of 2026
and
W.M.P(MD)No.7363 of 2026**

Selvam

... Petitioner

Vs.

1.The Sub Registrar,
Office of Sub Registrar Office,
Pudukkottai District.

2.The Joint Commissioner/
Executive Office(Additional In-Charge)
A/m.Subramaniaswami Thirukovil,
Thiruchendur,
Thoothukudi District.

...Respondents

Writ Petitions are 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 RFL/Pudukkottai/15/2026 dated 30.01.2026 and consequential order in Na.Ka.No.64/2026 dated 05.02.2026 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to register the partition deed of the petitioner dated 01.12.2025 immediately on its presentation.



For Petitioner
For R1
For R2

:Mr.T.Antony Arulraj
:Mr.A.Baskaran
Additional Government Pleader
:Mr.M.Muthugeethayan
Standing Counsel

ORDER

This writ petition is filed challenging the impugned refusal check slip dated 30.01.2026.

2. When the petitioner presented a document for partition, the same is refused to be registered for two reasons. One among the parties to the document when the property is allotted, a common pathway is created. Therefore, when the newly created pathway is made, by treating it as a residential unapproved plot, the same is refused to be registered. When a common property is being divided among the original shareholders, I am afraid that the reason contained in the refusal check slip is not sustainable. The entire intention behind the orders of this Court and thereafter the orders relating to regularization of unapproved plot is with reference to selling of the unapproved residential plots. Therefore, the same cannot be applied to the instant case. As far as the second reason is that, there is an objection on behalf the HR&CE department and Arulmigu Subramaniaswamy Thirukovil, Thiruchandur. Therefore, the property is refused to be registered.



3.The contention of the learned counsel for the petitioner is that the petitioner is the owner of the property and merely because there is a letter, the document need not be refused to be registered.

4.The contention of the learned counsel appearing on behalf of the second respondent is that when the petitioner is pleading before this court that the document is of the year 1902 does not contain the present property, they are making an averment without even producing the document. On the other hand, the learned counsel by producing the document dated 18.08.1902 would submit that the recitals would categorically show that the properties mentioned in the 6th schedule were all endowed for the purpose mentioned therein and as such, the same is inalienable and therefore the objection made by the temple is sustainable.

5.Be that as far as the second reason is concerned, the objection is made pursuant to Section 22 A of the Act, the matter is no longer *res Integra* and it has been already decided by the Division Bench of this Court in ***Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Hindu Religious and charitable Endowments Department, Chennai and others***, reported in (2017) 3 CTC 135, held that the Sub-Registrar or the parties are not bound by the letter that is submitted by the



authorities. On the other hand, they have to conduct a summary enquiry and reach a conclusion and if it is held against the executant, he has a remedy of filing the appeal and thereafter approaching the civil Court as the case may be. The operative portion of the said judgment is extracted supra, 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.*

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

6. In view thereof, this writ petition is allowed on the following terms:

(i) the impugned refusal check slip dated 30.01.2026 shall stand set aside and the matter is remanded back to the file of the first respondent to conduct an enquiry by issuing notice to the petitioner as well as the second respondent and after due enquiry, it is for the first responder to decide the same in accordance with the law, more specifically the observations contained in the judgment of *Sudha Ravikumar cited supra*.

(ii) It would be open for the party aggrieved to make further recourse as directed by the Division Bench.

(iii) No costs. Consequently, connected miscellaneous petition is closed.

06.04.2026

NCC: Yes/No
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W.P(MD)No.9173 of 2



D.BHARATHA CHAKRAVARTHY, J.

Ns

To

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