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W.P(MD)No.15076 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.03.2026

CORAM

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

**W.P(MD)No.15076 of 2024
and
W.M.P(MD)No.13221 of 2024**

Saranya

... Petitioner

Vs.

1.The Sub-Registrar,
Paramakudi,
Ramanathapuram District.

2.The Chief Educational Officer,
Ramanathapuram District.

... 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 relating to the proceedings of the impugned Refusal Check Slip in RFL/Paramakudi/11/2024 dated 17.04.2024 on the file of the 1st respondent and quash the same and further directing the respondent to register the release deed dated 17.04.2024 executed by the petitioner's mother and brothers in favour of the petitioner.

For Petitioner

:Mr.S.Selva Adithya

for Mr.G.Prabhu Rajadurai

For Respondents

:Mr.F.Deepak

Special Government Pleader

**ORDER**

This writ petition is filed challenging the impugned refusal check slip dated 17.04.2024.

2. When a release deed was presented by the petitioner whereby the family members are releasing the share in favour of the petitioner and the same is now refused to be registered on the ground that the very same property has been given by way of a settlement to the Government High School Pamboor. Aggrieved by the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that it can be seen that the alleged settlement was executed in the year 1987 by one Lakshmi Narayanan Naikar and Narasingam Naicker, which is registered as Document No.451 of 1987. Whereas the father of the petitioner purchased this property by two sale deeds registered in the year 1981 from the original owner. They in turn trace their title to earlier title deeds.

4. In view thereof, merely because without any right or title whatsoever by a later document, the said two persons have given the property in favour of the school, but the same shall not have the effect of divesting the title of the petitioner. In any event, such question of title



cannot be gone into by the Sub Registrar and when the document has been duly presented with all the requisites, the refusal check slip is to be declared as illegal.

5.Per Contra, the learned counsel appearing on behalf of the Sub Registrar would submit that after considering the fact that the property in question was given to the school and thereafter, several sale deeds have also been executed and by an order of the year 2018, the District Registrar had declared that the sales are all fraudulent and in the teeth of the same, once again, the present document executed among the family members of the petitioner cannot be entertained.

6.On behalf of the Chief Educational Officer, a counter affidavit is filed in which, it is mentioned that the property is given to the school by the Document No.451 of 1987. However, no change in Patta was undertaken. Thereafter, some third parties had executed the sale deeds in respect of the very same property in document Nos.5184/2009, 3564/2014, 5039/2014 and 4197/2014 etc. On enquiry, the matter finally went up to the District Registrar, Sivagangai, and by an order dated 17.10.2018, the sale deeds were registered suppressing the Dhana settlement and the action as against the Sub Registrar, Paramakudi was also ordered.



7.I have considered the rival submissions made on either side and perused the material records of the case.

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8.If there is a rival claim that the land in question is a Government land, the claim by itself will not bind on the Sub-Registrar or the petitioner. As per the dictum of the Hon'ble Division Bench 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***, the Sub Registrar has to conduct an inquiry by giving opportunity to both sides. It is the contention of the learned counsel for the petitioner that the petitioner need not to be relegated to the enquiry as their deed of title is prior in point of time. Whether the persons, who executed the settlement deed, executed the same with any prior document or on what basis have all to be gone into only during the inquiry. Ultimately the Sub-Registrar has to pass orders and the aggrieved party can file an appeal and further approach the civil Court as the case may be. It is an essential to extract paragraph 25 of the judgment in *Sudha Ravi Kumar case(cited supra)* as which reads as under:

“25.In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:



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(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.”*

9. In view thereof, this writ petition is ordered on the following terms:

(i) The impugned order dated 17.04.2024 shall stand set aside and the matter is remitted back to the file of the first respondent.

(ii) The first respondent shall issue notice to the petitioner as well as the second respondent and on receipt of such notice, both sides are entitled to file the documents in their support and after due inquiry, the Sub Registrar shall pass orders as per the dictum of the Division Bench.

(iii) They are needless to mention that the aggrieved party shall file an appeal or civil suit as the case may be, based on depending on the outcome of the order.

(iv) The aforesaid exercise shall be completed by the Sub-Registrar within a period of two months from the date of receipt of the web copy of the order. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2026

NCC:Yes/No



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W.P(MD)No.15076 of 2



To

- 1.The Sub-Registrar,
Paramakudi,
Ramanathapuram District.
- 2.The Chief Educational Officer,
Ramanathapuram District.



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W.P(MD)No.15076 of 2



D.BHARATHA CHAKRAVARTHY, J.

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