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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-10-2026

CORAM

THE HON'BLE MR JUSTICE K.KUMARESH BABU

WP(MD) No. 29321 of 2026

CNR:{HCMD011446212026}

S.M.Abdul Kadhar,
S/o.Syed Mohammed

..Petitioner(s)

Vs

1. The District Registrar,
   0/o. The District Registrar,
   Kanyakumari District.

2. The Sub- Registrar,
   Vadiveeswaram South Town,
   Kanyakumari District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd Respondent to register the relinquishment deeds in favour of the Petitioner's sons in New S.No.M.4/26-5 for an extent of 4.92 cents and other 4.92 cents respectively within the time that may be stipulated by this Court.

For Petitioner(s): Mr.S.A.Iniyavan Abdullah
for M/s.Ajmal Associates

For Respondent(s): Mr.I.Pinaygash,
Special Government Pleader

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ORDER

The present writ petition has been filed seeking for a mandamus to direct the second respondent to register the relinquishment deeds in favour of the petitioner's sons *viz*., Azeem and Irshath, in respect of 4.92 cents each in New S.No.M.4/26-5 of Vadiveeswaram Village, Agastheeswaram Taluk, Kanyakumari District.

2. Heard the learned counsel on either side.

3. When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of the respondents would submit that by proceedings dated 01.10.2026, an order had been passed indicating that the document that was presented for registration could not be registered without a No Objection Certificate (NOC) being issued by the Hindu Religious and Charitable Endowments Department.

4. This Court is of the view that the issuance of such a communication to the petitioner is wholly improper, as the authority concerned has been vested with the power under Section 22-A of the Registration Act, 1908, to conduct an enquiry in that regard and pass a reasoned order either accepting or refusing to register the document. The

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legal position in this regard has been clearly delineated by a Division Bench of this Court reported in ***(2017) 3 CTC 135 [Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others].***

5. Following the aforesaid judgment, this Court had also issued directions in similar matters. Wherever a direction has been issued to execute a document subject to the production of a No Objection Certificate (NOC), the authority concerned is required to conduct an enquiry under Section 22-A of the Registration Act, 1908, in accordance with the principles laid down by the Division Bench, and pass appropriate orders.

6. In such circumstances, this Court do not find any reasons to differ with the views consistently taken by this Court.

7. Accordingly, there shall be a direction to the second respondent to conduct an enquiry as contemplated in the judgment of the Division Bench of this Court in ***Sudha Ravi Kumar,*** referred supra and pass appropriate orders in accordance with law. Such exercise shall be carried

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out within a period of eight weeks' from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

26-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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   0/o. The District Registrar,
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K.KUMARESH BABU, J.

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