



W.P.No.23090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.08.2025

Pronounced on: 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23090 of 2025

K.Jayaprakash

... Petitioner

Vs.

1. The District Registrar,
Tiruppur District,
Tiruppur.

2. The Sub Registrar,
Nallur,
Tiruppur District.

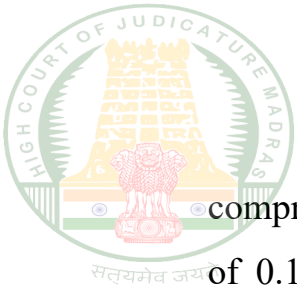
3. Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Tiruppur 641 604.

4. Arulmigu Moorka Vinayagar Temple,
rep. by Thakkar,
Nallur Village, Tiruppur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to quash the impugned order in Na.Ka.No.90/2025 dated

29.04.2025 of the 2nd respondent and further direct the 2nd respondent to admit and register the Settlement Deed to be executed by the Petitioner herein in favour of his Wife – J.Navakumari with respect to the land



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comprised in S.Nos.3/4, 3/5, 3/6 and 3/7 in all totally measuring an extent of 0.19.00 Hec., together with building thereon etc. situated at Nallur Village, Tiruppur South Taluk, Tiruppur District.

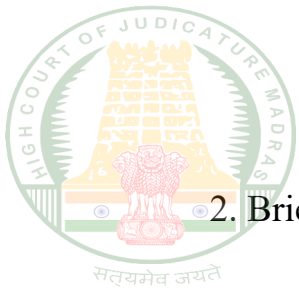
For Petitioner :Mr.V.P.Sengottuvel,
Senior Counsel for
Mr.A.Akshay Kumar

For R1 and R2 :Mr.Abishek Murthy,
Government Advocate

For R3 and R4 :Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

ORDER

The present writ petition is filed to quash the impugned order dated 29.04.2025 of the 2nd respondent whereby the Settlement Deed executed by the petitioner in favour of his wife in respect of property comprised in Survey Nos.3/4, 3/5, 3/6 and 3/7, totally measuring an extent of 0.19.00 hectares, situated at Nallur Village, Tiruppur South Taluk, Tiruppur District, (hereinafter referred to as “subject property”) was refused registration on the premise that the 4th respondent temple claims title/ownership over the subject property and has filed a suit in O.S.No.113 of 2025 before the Sub Court, Tiruppur.



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2. Brief Facts:

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2.1. Subject property originally belonged to Karuppa Gounder, son of Vetrivellappa Gounder by virtue of a perpetual lease deed dated 31.12.1903 vide document No.1753/1903, before the office of the Sub Registrar, Tiruppur. Karuppa Gounder and his son, Pattai Gounder and grandson, Rakkia Gounder have been in possession and enjoyment of the subject property by virtue of Settlement Deed dated 01.06.1954 registered on 31.08.1954 as Doc.No.928/1954, (2) Maintenance Deed dated 01.06.1954 registered on 31.08.1954 as Doc. No.929/1954, and (3) Release Deed dated 01.09.1954 registered on 04.09.1954 as Doc. No. 943/1954, all registered in the office of the Sub-Registrar, Tiruppur. Thereafter, aforesaid property was in absolute possession and enjoyment of the legal heirs of Karuppa Gounder, viz., Muthusamy Gounder, Rakkia Gounder and Palanisamy Gounder.

2.2. Whiles, Settlement Tahsildar II Gobichettipalayam initiated proceedings under Madras Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, claiming the subject property to be unenfranchised Devadayam Minor Inam Land granted for the support of Moorka Vianayagar Temple, Nallur. The said Settlement Tahsildar vide his order dated 22.08.1968 rejected the claim of Muthusamy Gounder, Rakkia Gounder and Palanisamy Gounder and further determined that Mookar

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Vinayagar Temple at Nallur is entitled for Ryotwari Patta in respect of the

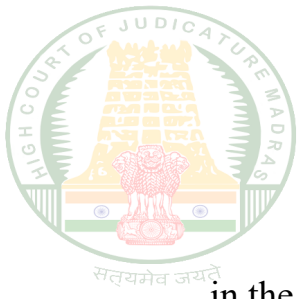
said land under Sec. 11 read with Sec. 8(2)(ii) of Madras Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.

2.3. Aggrieved, by the order of the Settlement Tahsildar -II, Muthusamy Gounder, Rakkia Gounder and Palanisamy Gounder preferred an Appeal in C.M.A.No.513/1969, before The Minor Inams Tribunal (Principal Sub-Court), Coimbatore. Minor Inams Tribunal by its Judgment and Decree dated 27.09.1971, allowed the appeal by holding that appellants are entitled for patta with respect to the land in S.No.3 measuring an extent of 6.22 Acres under Sec. 8(2)(1)(b) of the Act. It is submitted that pursuant to the order of the Minor Inams Tribunal, the appellants therein remitted the consideration. Thereafter, the Tahsildar, Tiruppur vide proceedings dated 23.11.1971 granted Patta in favour of Rakkia Gounder, Palanisamy Gounder and Muthusamy Gounder.

2.4. During the year 1987, land comprised in S.No.3 was subdivided as S.Nos.3/4 to 3/8 comprising the following extent of land, viz.,

a) Patta No.309 in S.No.3/4 comprised lands measuring 0.48 Acre came to be issued in the name of R.Solliyappa Gounder, Son of Rakkiya Gounder;

b) Patta No.61 in S.No.3/5 measuring 0.48 Acre came to be issued in the name of R. Karuppasamy Gounder, Son of Rakkiya Gounder;



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c) Patta No.229 in S.No.3/6 measuring 0.48 Acre came to be issued

in the name of C. Sundarambal, Wife of Late. R.Palanisamy Gounder;

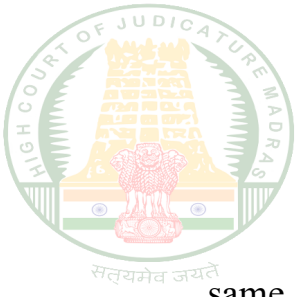
d) Patta No.359 in S.No.3/7 measuring 0.50 Acre came to be issued

in the name of R.Devanan, Son of Rakkiya Gounder;

e) Joint Patta No.1101 in S.No.3/8 measuring 0.09 Acre came to be issued jointly in the names of R. Solliyappan, R.Karuppasamy and C. Sundarambal.

2.5. R.Karuppasamy Gounder, Son of Late.Rakkiya Gounder and others sold land comprised in S.Nos.3/4 to 3/7 totally measuring an extent of 1.95 Acres to the Petitioner herein under Sale Deed dated 25.08.2005

in the office of the Sub-Registrar, Nallur - 2nd Respondent herein. Patta Pass Book No.088710 came to be issued in favour of the Petitioner herein for the lands comprised in S.Nos.3/4 to 3/7 in Patta Nos.309, 61, 229 and 359 respectively by the Zonal Deputy Tahsildar, Tiruppur. On bifurcation of Coimbatore District, fresh Patta Nos.5577, 5579, 5578 and 5576 came to be issued for the lands comprised in S.Nos.3/4, 3/5, 3/6 and 3/7 of Nallur Village, Tiruppur South Taluk, Tiruppur District.



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2.6. Petitioner constructed an industrial building thereon and the

same came to be originally assessed for payment of Property Tax by Tiruppur Municipality in Assessment Nos.032/34100591 for Door No. 3/4, Kasipalayam and 032/34100592 for Door No.3/5, Kasipalayam. Tiruppur Municipality came to be upgraded as Tiruppur City Municipal Corporation the buildings in the subject land came to be assigned with Assessment Nos. 032/034/02261 for Door No.3/4, Kasipalayam and 032/034/02262 for Door No.3/5, Kasipalayam, Ward No.34 from the year 2017-18. Petitioner herein is periodically remitting property tax to the Tiruppur City Municipal Corporation.

2.7. Thus, Petitioner herein is in absolute possession and enjoyment of the subject land together with commercial buildings thereon for nearly 20 years. While so, petitioner herein proposed to settle the aforementioned properties in favour of his Wife – J.Navakumari and when the document was presented for registration, the same came to be

refused by the 2nd respondent in Refusal No:RFL/Nallur_Tiruppur/7/2025

dated 04.02.2025 on the ground that there is an objection made by the 3rd Respondent claiming that the aforesaid land in R.S.No.3 belonged to Arulmigu Mookar Vinayagar Temple, Nallur and the registration could be



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entertained only if the petitioner produces a NOC from the 3

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2.8. Petitioner herein challenged the Refusal Slip dated 04.02.2025 before this Hon'ble Court in W.P.No.9365/2025 and this Hon'ble Court by order dated 20.03.2025 passed final orders in the above Writ Petition, which reads as follows:

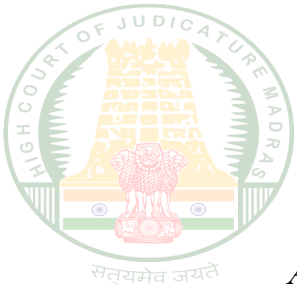
"...4. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the 2nd respondent to conduct a summary enquiry as per the guidelines issued by the Division Bench of this Court in [Sudha Ravi Kumar and another Vs. The Special Commissioner and others] reported in 2017 3 CTC 135 and take a decision within a period of four weeks from the date of receipt of a copy of this order. An opportunity shall be given to the 3rd respondent".

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2.9. 2 Respondent herein on 25.04.2025 conducted an enquiry and passed the Impugned Order in Na.Ka.No.90/2025 dated 29.04.2025 by directing the Petitioner herein to approach the Civil Court on the ground that:

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a) The Civil Suit filed by the 4 Respondent in O.S.No. 113/2025 before the Sub-Court, Tiruppur is pending for consideration;



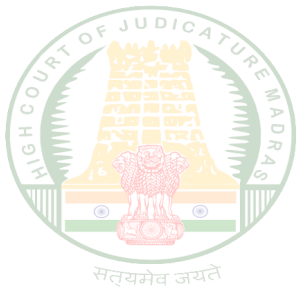
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b) *The receipt for payment of consideration by the Appellants in CMA No.513/1969, on the file of Principal Sub-Court, Coimbatore (Minor Inams Tribunal) has been disputed by the 4th Respondent;*

c) *The 4th Respondent contended that no registration of any instrument for transfer could be made as the Civil Suit is pending for consideration.*

3. Learned counsel for petitioner would place reliance upon the order of the Minor Inams Tribunal in C.M.A.No.513 of 1969 to submit that by virtue of the said order, the petitioner's vendor traces their title and became absolute owner of the subject property. However, learned counsel for the 4th respondent would submit that neither the Hindu Religious and Charitable Endowments Department nor the deity was made a party and thus, it does not bind the temple. He would place reliance on the judgment of the Supreme Court in the case of ***Joint Commissioner, Hindu Religious and Charitable Endowments, Admn. Department Vs. Jayaraman and others*** reported in (2006) 1 SCC 257. To the contrary, it was submitted by learned counsel for petitioner that the temple was in fact made a party.



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4. Against the above background, question that arises for

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consideration is whether it is open to the 2nd respondent to register the settlement deed during the pendency of suit in respect of the subject property wherein dispute relating to title over the subject property is pending consideration.

5. To answer the above question, it may be relevant to refer to Section 22A and 22B of the Registration Act, 1908 which reads as under:

“22-A. Refusal to register certain documents.-withstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely :—

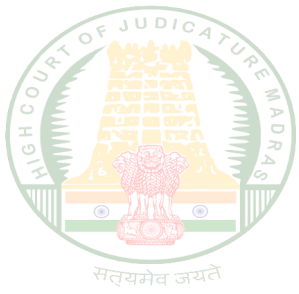
(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

.....

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;

.....

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;



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22-B. Refusal to register forged documents and other documents prohibited by law.— Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents,namely:—

.....

(2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in, force;”

5.1. On a reading of Section 22A and 22B of Registration Act, 1908, it would appear that 22A(1)(ii) of Registration Act would mandate the registering officer to refuse registration of document viz., an instrument relating to transfer of immovable property by way of sale, gift, mortgage, exchange or lease belonging to or given or endowed for the purpose of any religious institution to which Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, is applicable unless a sanction is issued by the competent authority. Section 22B(2) of Registration Act provides that a registering officer shall refuse to register documents relating to transactions prohibited by any Central or State Act for the time being in force.

6. Keeping the above aspect in mind, it may be relevant to note that while 22A of the Registration Act, provides that the Registering Officer shall refuse to register any document relating to transfer of immovable



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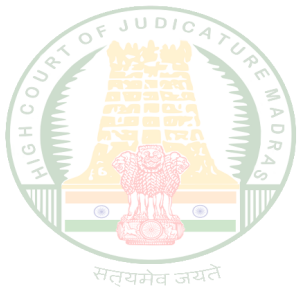
property by way of sale, gift, mortgage, exchange or lease (or) belonging to, or endowed for the purpose of any religious institution unless a

sanction is obtained from the competent authority. But then, merely because a letter of objection is made by a religious institution without production of title deed or any other material evidence to establish its title cannot be a reason for refusing registration. In this regard, it may be relevant to refer to the order of this Court in the case of ***Subramani Vs.***

The Sub Registrar and another in W.P.No.11056 of 2024 dated 26.04.2024, wherein, following the judgment of the Division Bench of this Court in the case of ***Sudha Ravikumar Vs. The Special Commissioner*** reported in ***AIR 2017 Mad 203***, it was held as under:

“20. It is relevant to note that many registration has been refused citing Section 22-A on the only ground that some requests are made by Hindu Religious and Charitable Endowments Board or the Waqf Board. It is relevant to note that the Division Bench of this Court in the case of Sudha Ravikumar v The Special Commissioner reported in AIR 2017 Mad 203, wherein, it is held as follows:

“the registering authority is not bestowed with any quasijudicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial.”



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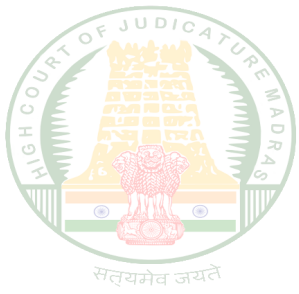
21. *Similarly, this Court in the case of D. Kalaiyarasan v Inspector General reported in (2018 SCC Online Mad 7224), it was held that unless and until the authority has clinching materials to show that the property belonged to the religious institution, the registration cannot be refused. Also, this Court in the case of G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024, it was observed as under:*

“If there is a serious dispute on the title to the land, such questions cannot be decided by the Registrar at the stage of registering a document since he is only conducting a limited summary enquiry.”

22. *Therefore, this Court is of the view that merely on the basis of some letters without production of title deed clinchingly establish the title of the Waqf Board and religious institutions mere citing some objections in the form of letters, document cannot be refused to be registered.”*

7. It may be relevant to note that the Division Bench of this Court in *Sudha Ravikumar's* case (cited *supra*) had emphasized the relevance/significance of ryotwari pattas and its bearing/relevance when a document is presented for registration under the Registration Act. Relevant portion reads as under:

“24. This contention is seriously objected to by the learned counsel for the petitioners. First of all we should

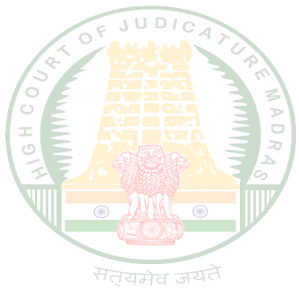


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state that we are not going into this issue because the constitutionality of Section 22-A of the Registration Act is not under challenge. Secondly, whether the property which is covered in the deed presented for registration is a religious endowment or not in terms of the TN HR & CE Act also cannot be gone into by us as the said dispute could be resolved only by a Civil Court on evidence. Even the registering authority is not competent to go into the said disputed question as he is not exercising any judicial or quasi judicial function. Similarly, simply because the some lands were shown as the properties belonging to the religious institution in the register maintained by the temple, it cannot be construed that the said land belongs to the said religious institution. It needs to be noted that the register of properties under Section 29 was prepared not after notice to the interested persons. It was done unilaterally by the religious institution. Similarly, the maintenance of the register by updating the same is also not done after notice to the parties who are interested in the property which is included in the register after the preparation of the original register. Thus, the preparation as well as the maintenance of the register is by the unilateral act of the religious institution and therefore likelihood of the private lands belonging to any individual being included in the register by error cannot be ruled out. All these issues are to be resolved by the Civil Court. Therefore, in our considered view, once patta has been issued under either the Tamil Nadu Estates (Abolition and



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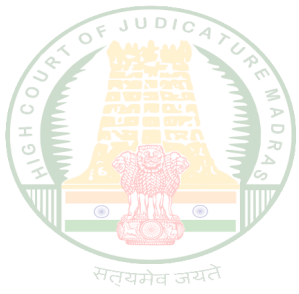
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Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 it is for the temple to establish its title before the Civil Court. The registrar is bound to act on the basis of the ryotwari patta issued by the authority concerned and he shall not refuse to register the said deeds. As we have already pointed out the remedy for the religious institution is to approach the civil court for appropriate remedy.”

(emphasis applied)

8. In the present case, 4th respondent Temple has already filed a suit in O.S.No.113 of 2025. However, pendency of a suit, by itself may not be a bar for registration. This is also made clear by the judgment of the Division Bench of this Court in the case of ***N.Ramayee Vs. The Sub Registrar, Registration Department, Valapady, Salem and another*** reported in ***(2020) 6 CTC 697***, wherein, it was held as under:

“37. It is also pertinent to note that even if transfer is made during a pending suit, such transfer is not void but is subject to the result of the suit. Section 53 of the Transfer of Property Act, deals with fraudulent transfer. Even such fraudulent transfer is made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed. Even in such cases the



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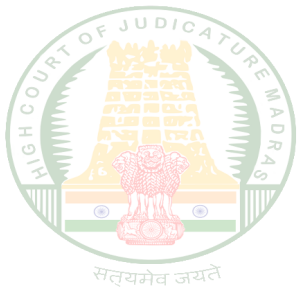
rights of transferee in good faith and for consideration is protected.”

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8.1. It may also be relevant to refer to Section 52 of Transfer of Property Act, 1882, in this regard, which provides for the effect/consequence of transfer during pendency of suit and also the following decisions, wherein, the scope of Section 52 is explained:

“52. Transfer of property pending suit relating thereto.— During the [pendency] in any Court having authority [within the limits of India excluding the State of Jammu and Kashmir] or established beyond such limits] by the Central Government, of any suit or proceeding which is not collusive and in which any right to immovable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.

Explanation.—For the purposes of this section, the pendency of a suit or proceeding shall be deemed to commence from the date of the presentation of the plaint or the institution of the proceeding in a Court of competent jurisdiction, and to continue until the suit or proceeding has been disposed of by a final decree or order and complete satisfaction or discharge of such decree or order, has been obtained, or has become unobtainable by reason of the expiration of any period of limitation prescribed for the execution thereof by any law for the time



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being in force.”

(a) *T. Ravi and another v. B. Chinna Narasimha and others,*

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reported in **(2017) 7 SCC 342 :**

“42. Reliance has also been placed on A. Nawab John v. V.N. Subramaniam [A. Nawab John v. V.N. Subramaniam, (2012) 7 SCC 738 : (2012) 4 SCC (Civ) 324] in which this Court has laid down thus: (SCC p. 746, para 18)

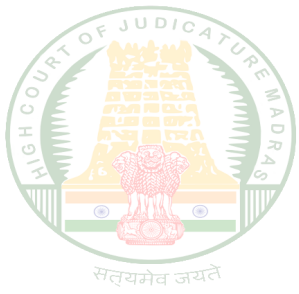
“18. It is settled legal position that the effect of Section 52 is not to render transfers effected during the pendency of a suit by a party to the suit void; but only to render such transfers subservient to the rights of the parties to such suit, as may be, eventually, determined in the suit. In other words, the transfer remains valid subject, of course, to the result of the suit. The pendente lite purchaser would be entitled to or suffer the same legal rights and obligations of his vendor as may be eventually determined by the court.

‘12. ... The mere pendency of a suit does not prevent one of the parties from dealing with the property constituting the subject-matter of the suit. The section only postulates a condition that the alienation will in no manner affect the rights of the other party under any decree which may be passed in the suit unless the property was alienated with the permission of the court.’ (Sanjay Verma v. Manik Roy [Sanjay Verma v. Manik Roy, (2006) 13 SCC 608] , SCC p. 612, para 12)”

b) *A.Naveed Mohammed v. The Inspector General of*

Registration, in W.P.No.11368 of 2025:

“4. In the considered view of this Court, mere pendency of the suit cannot be a ground to refuse the registration of a sale deed. Law on this issue was settled by this Court in A.Abdullasa v. Inspector General of Registration and others [2021 (2) CWC



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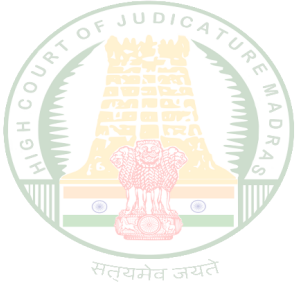
451]. *At the best, such a sale will be subject to the rule of lis pendens.*

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5. *In view of the above, in the absence of any restraint order passed by the competent Civil Court, the second respondent has to entertain the sale deed and register the same, if it is otherwise in order.”*

9. This Court finds that the impugned order insofar as it only refers to the pendency of the suit filed by the respondent Temple to refuse registration on the premise that pendency of a suit by itself would bar registration is contrary to the law laid down by this Court and the Apex Court referred to supra.

10. In view thereof, this Court is inclined to set aside the impugned order and direct the second respondent to pass orders afresh taking into account all material evidence that may be produced including the orders of the Minor Inams Tribunal, if any, while keeping in view the above discussion and after affording the petitioner a reasonable opportunity of hearing within a period of twelve (12) weeks from the date of receipt of a copy of this order.



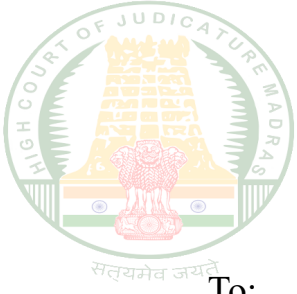
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11. Accordingly, the Writ Petition stands disposed of. No costs.

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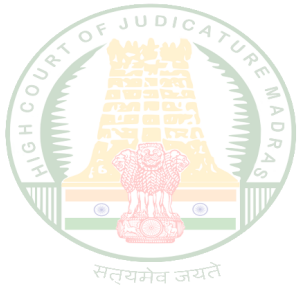
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Tiruppur District,
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3. Assistant Commissioner,
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4. Arulmigu Moorka Vinayagar Temple,
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MOHAMMED SHAFFIQ J.

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