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W.P.No.26317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.08.2025

Pronounced on: 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26317 of 2025

&

W.M.P.Nos.29620 & 29622 of 2025

A.P.Sakthivel

... Petitioner

Vs.

1.The Joint Registrar – II,
Nallur Sub Registrar Office,
Tiruppur.

2.Arulmighu Veeraraghava Perumal Temple
Rep. by its Executive Officer,
Tiruppur.

3.The Hindu Religious Charitable Endowments Department,
Rep by its Commissioner,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records

of the 1st respondent ending with proceedings in Na.Ka.No.61 of 2025

dated 14.05.2025 and quash the same and consequently direct the 1st
1/14



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respondent to register documents in respect of 3290 sq ft of house site in

TS.No.74/2, S.No.203, Tiruppur Village, Tiruppur South Taluk, Tiruppur

District.

For Petitioner	:Mr. N.A.Nissar Ahmed Senior Counsel For Mr.N.A.Nassir Hussain
For R1	:Mr. U.Baranidharan Special Government Pleader
For R2 & R3	:Mr. N.R.R.Arun Natarajan Special Government Pleader (HR& CE)

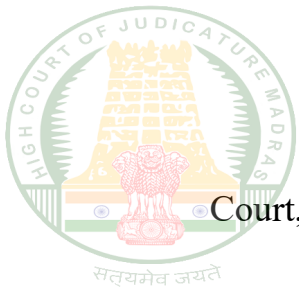
ORDER

The present writ petition is filed to quash the impugned order dated

14.05.2025 of the 1st respondent whereby the Sale Deed executed by the petitioner in respect of property measuring an extent of 3290 sq.ft comprised in Old TS No.285/26, New TS No.68, at present TS.No.74/2, Survey No.203, Old Block No.10, New Block No.7, Puduthottam Cross

2nd Street, Tiruppur Village, Tiruppur South Taluk and District (hereinafter referred to as “Subject Property”) was refused registration on

the premise that 2nd respondent temple claims title/ownership over the subject property and has filed a suit in O.S.No.169 of 2025 before the Sub 2/14



Court, Tiruppur.

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2. Brief Facts:

2.1. Subject property originally belonged to one R.Muthusamy Goundan vide Doc.No.665 of 1935, who, in turn sold the same to Appachi Iyengar vide Doc.No.3090/1964 and a Ryotwari patta was issued vide proceedings dated 13.06.1969. Thereafter, petitioner purchased the subject property from the legal heirs of the said Appachi Iyengar vide Sale deed dated 03.08.2024 bearing Doc.No.3471 of 2024, on the file of SRO, Tiruppur. Since then, petitioner has been in continuous possession and enjoyment of the subject property. Whiles, when petitioner proposed to sell the subject property and presented the same for registration before

the 1st respondent, it was refused on the premise that 2nd respondent temple claims ownership over the subject property vide its letter dated

22.11.2014 and thus, 1st respondent vide proceedings dated 31.12.2024

directed the petitioner to obtain a “No objection Certificate” from the 2nd respondent.

2.2. Challenging the same, petitioner filed a W.P.No.5750 of 2025 before this Court and the same was disposed of vide order dated 3/14



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24.02.2025 by directing the 1st respondent to conduct a summary enquiry based on the documents presented by the petitioner and after affording an

opportunity of hearing to 2nd respondent in the light of the judgment of Division Bench of this Court in the case of *Sudha Ravi Kumar and another v. The Special Commissioner and others* reported in 2017 (3) *CTC 135* and to take appropriate decision.

2.3. 1st respondent after conducting enquiry has passed the impugned order dated 14.05.2025 by stating that since the 2nd respondent has instituted a suit in O.S.No.169 of 2025 on the file of Sub Court, Tiruppur, the document presented for registration in respect of the subject property cannot be entertained. Aggrieved, petitioner has filed the present writ petition.

3. Learned counsel for petitioner would submit that mere pendency of a suit may not be a bar for registration. He would also submit that in view of the suit having been filed, which is also pending, cannot be a reason for refusing registration.

4. To the contrary, learned counsel appearing for the respondents



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would reiterate that inasmuch as the Temple has already filed a suit, the impugned order refusing registration does not warrant interference.

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5. Against the above background, question that arises for consideration is whether it is open to the 1st respondent to register the sale deed during the pendency of suit in respect of the subject property wherein dispute relating to title over the subject property is pending consideration.

5.1. 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 :—

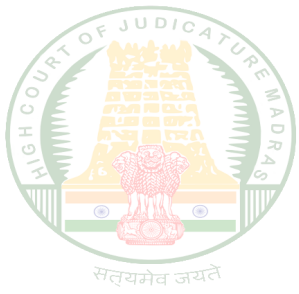
(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

.....

(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



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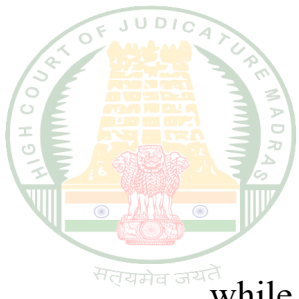
authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

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;”

5.2. 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.



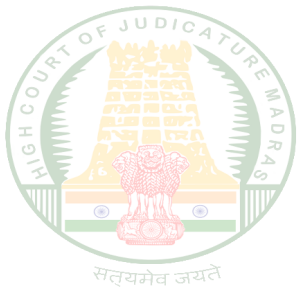
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6. Keeping the above aspect in mind, it may be relevant to note that

while 22A of the Registration Act, provides that the Registering Officer shall refuse to register any document relating to transfer of immovable 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



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enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial.”

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. In the present case, respondent Temple has already filed a suit in O.S.No.169 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*



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Registrar, Registration Department, Valapady, Salem and another

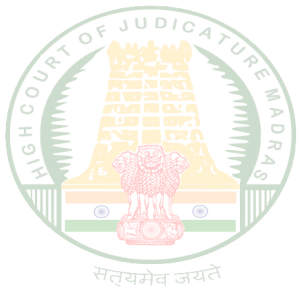
reported in (2020) 6 CTC 697, wherein, it was held as under:

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

8. 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 immoveable 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



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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 being in force.”

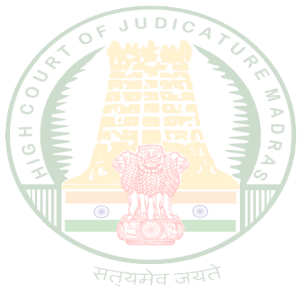
(a) *T. Ravi and another v. B. Chinna Narasimha and others,*

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)”



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

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.”

(emphasis supplied)

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 1st respondent to pass orders afresh taking into account all material evidence that may be produced while keeping in 11/14



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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.

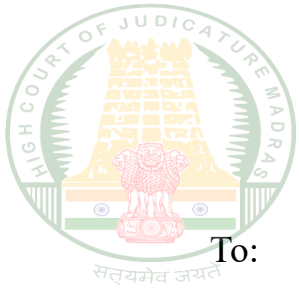
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11. Accordingly, the Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

24.11.2025

Index : yes/no
Internet : yes/no
Speaking Order / Non-Speaking Order
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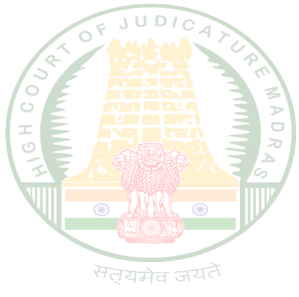


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To:

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1. The Joint Registrar – II,
Nallur Sub Registrar Office,
Tiruppur.
2. The Executive Officer,
Arulmighu Veeraraghava Perumal Temple
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3. The Commissioner,
The Hindu Religious Charitable Endowments Department,
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