

W.P(MD)No.28762 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28762 of 2025

Kesava Sree Vardhini

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
- 3.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Suchindrum – 629 704,
Kanyakumari District.
- 4.The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nagercoil – 629 001,
Kanyakumari District.



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5.The District Registrar (Admn),
Office of the District Registrar,
Kanyakumari District, Nagercoil.

6.The Sub Registrar,
Thuckalay Sub Registrar Office,
Thuckalay,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth respondent to consider the petitioner's representation 21.12.2023 for registration of the settlement deed dated 29.11.2022 in Ref.No.P/Thuckalay/155/2022.

For Petitioner : Mr.S.Kanagarajan

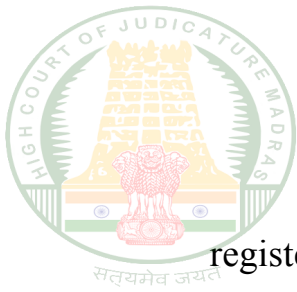
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1, R.2, R.4 to R.6

Mr.R.Sankar Ganesh
for R.3

ORDER

Heard both sides.

2.Settlement deed dated 29.11.2022 was presented for registration. The document was executed in favour of the writ petitioner. The grievance of the writ petitioner is that, without taking a decision, the



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registering authority entered into correspondence with the HR&CE Department.

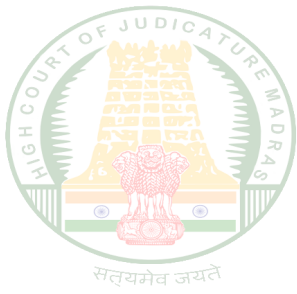
3.The document is still pending with the sixth respondent. The sixth respondent is directed to hold enquiry and adhere to the directions setout in ***Sudha Ravi Kumar's (2017 (3) CTC 135)*** case. For the sake of easy reference directions are extracted below:

“26. 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



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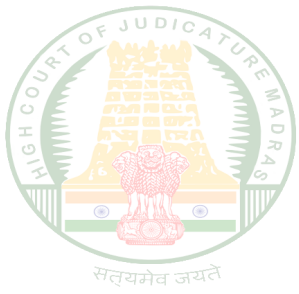
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document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title 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."



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4.The sixth respondent will issue notices to the parties of the document as well as the temple concerned and take a call in the matter. The entire exercise shall be completed within a period of of eight weeks from the date of receipt of a copy of this order.

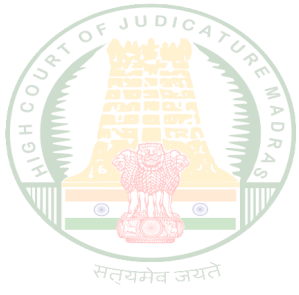
5.This Writ Petition is disposed of accordingly. No costs.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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