

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1517 of 2015 &
M.P.Nos.1 to 3 of 2015

1.N.Gopalakrishnan
2.Padma Gopalakrishnan

.. Petitioners

vs.

1. THE HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT DEPARTMENT,
REP. BY ITS COMMISSIONER,
NUNGMAKKAM CHENNAI-34
- 2 THE ASSISTANT COMMISSIONER OF TEMPLES,
OFFICE OF THE HINDU RELIGIOUS &
CHARITABLE ENDOWMENT,
RAJAVEETHI, COIMBATORE.
- 3 THE DISTRICT REGISTRAR,
DISTRICT REGISTRAR OFFICE ,
COLLECTOR OFFICE COMPOUND,
STATE BANK STREET, COIMBATORE-641 018
- 4 THE JOINT SUB REGISTRAR II ,
OFFICE OF THE JOINT SUB REGISTRAR II.,
COIMBATORE, COIMBATORE DISTRICT. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus, calling for the records from the second respondent and quash the Letter Na.Ka.No.5196/2011/A7 dated 22.11.2011 sent by the second respondent/ Assistant Commissioner of Temples, Hindu Religious & Charitable Endowment, Coimbatore, and consequentially, to direct the third respondent/District Registrar, District Registrar Office of Registration, Collector Office Compound, State Bank Street, Coimbatore-641 018 and the fourth respondent/Joint Sub Registrar II, Office of the Joint Sub Registrar II, Coimbatore, to register the Sale Deed presented by the petitioners, in respect of the property, situate at in S.F. Nos.384/1 E 2 and 384/2B, measuring 0.86 1/4 cents, situate at Thelungpalayam Village, Coimbatore, bearing Flat No.312 Springfield Vestal, No.3, New Rams Nagar, Extension, Behind Bimetal Bearings, P.N.Pudur Post, Coimbatore - 641041.

For Petitioners : Mr.G.Saravanakumar

For Respondents : Mr.S.Kandasamy, - R1 & R2
Spl. Govt. Pleader (HR&CE)

Mr.M.L.Mahendran - R3 & R4
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.G.Saravanakumar, learned Counsel appearing for the petitioners, Mr.S.Kandasamy, learned Special Government Pleader, appearing for the respondents 1 & 2 and Mr.M.L.Mahendran, learned Government Advocate appearing for respondents 3 & 4.

3.The petitioners has come up with the present Writ Petition for issuance of Writ of certiorarified mandamus, to call for the records from the second respondent, to quash the Letter, bearing Na.Ka.No.5196/2011/A7, dated 22.11.2011 sent by the second respondent, and consequentially, to direct the third and fourth respondents to register the Sale Deed presented by the petitioner, in respect of the property, comprised in S.F.Nos.384/1 E 2 and 384/2B, measuring 0.86 1/4 cents, situate at Thelungpalayam Village, Coimbatore, bearing Flat No.312 Springfield Vestal, No.3, New Rams Nagar, Extension, Behind Bimetal Bearings, P.N.Pudur Post, Coimbatore - 641041.

3. At the outset, the learned counsel appearing for the petitioner would submit that the issue involved in this Writ Petition is wholly covered by a decision rendered by this Court in Writ Petition No.231 of 2013, on 17.2.2014, wherein, the matter involved the parties herein. The learned counsel for the petitioner also produced a copy of that order dated 17.2.2014 for reference.

4. A perusal of that order relied upon by the learned counsel for the petitioner would go to show that the learned Single Judge, after following the earlier order passed in Writ Petition.Nos.1119, 1120, of 2013 etc., batch, dated 27.3.2013, disposed of the W.P.No.231 of 2013. For better appreciation, the operative portion of the common order rendered in Writ Petition.No.1119 of 2013 etc. batch, is extracted hereunder:-

"3. Today, learned counsel appearing for the petitioners submitted that the matters in issue is covered by the judgment of this Court made in W.P.No.29896 of 2011, which order was passed on

13.12.2011, by following an earlier order made in W.P.No.23345 of 2006, dated 24.7.2006. The said order was challenged in Appeal in I.A.No.1075 of 2011, which was also dismissed by the Hon'ble First Bench on 15.6.2012. The learned Special Government Pleader H.R.&C.E. for respondents 2 and 3 therefore, submitted that similar order may be passed in these Writ Petitions also. The said facts are not disputed by the learned Government Advocate appearing for the respondents 1 and 4.

4 In view of the same, there will be a direction to the respondents 1 and 4 to register and return the documents to the petitioners without insisting upon any 'No objection certificate' within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this order shall not be treated as conferring title to the petitioners in any legal or other proceedings.

These Writ Petitions are disposed of accordingly".

5. Considering the fact that following the order, dated 27.3.2013, (quoted supra) several Writ Petitions were disposed of by this Court, coupled with the further fact that the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate 3 and 4 have no objection in following the order dated 17.2.2014, passed in W.P.No.231 of 201, viz., the order relied upon by the learned counsel for the petitioners, the present Writ Petition is also disposed of in the same line, i.e., directing the third and fourth respondents to register the sale deed presented by the petitioners in respect of the property, more fully described in Para No.2 of this order, and return the same to the petitioner without insisting upon any 'NOC'. It is also made clear that this order will not confer any title to the petitioners in any legal or other proceedings and it is subject to scrutiny. No costs. Consequently, the connected M.Ps are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

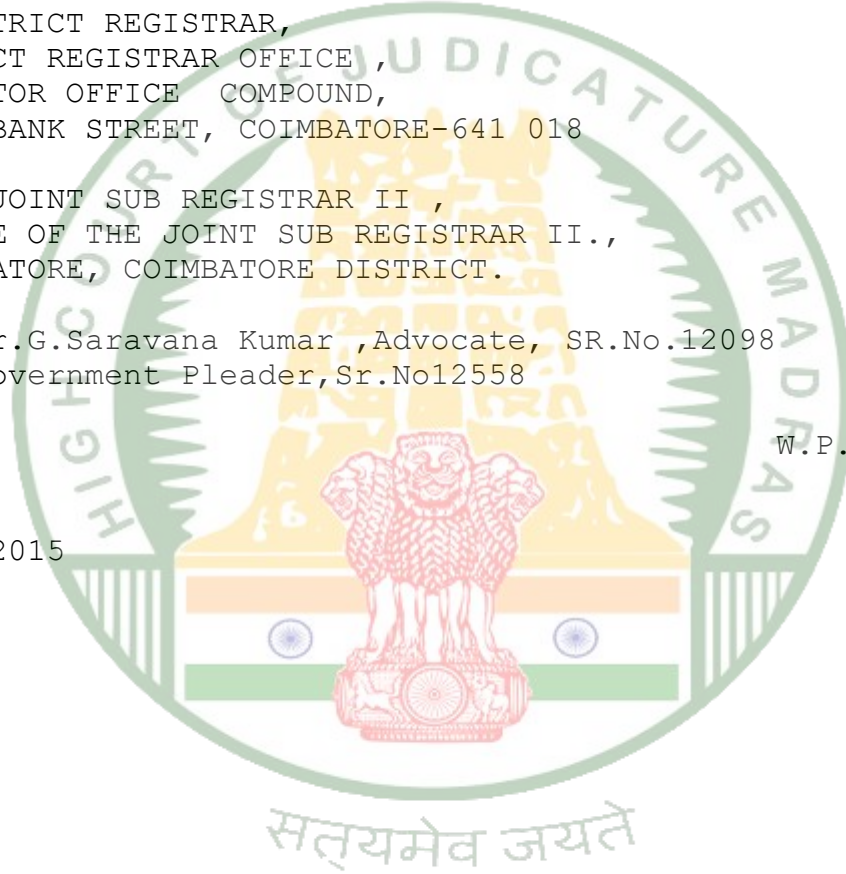
To

1. THE HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT DEPARTMENT,
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OFFICE OF THE JOINT SUB REGISTRAR II.,
COIMBATORE, COIMBATORE DISTRICT.

1 cc to Mr.G.Saravana Kumar ,Advocate, SR.No.12098
1 cc to Government Pleader,Sr.No12558

W.P. No.1517 of 2015

VGI (CO)
PMK.25.3.2015



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