

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8171 of 2015 & MP.Nos.1 to 3/2015

- 1.Dr.Ganesh Moorthy Arunachalam
- 2.Mrs.Sharmila Rajendran
- 3.R.V.Murali
- 4.B.Anuradha
- 5.C.N.Krishnakumar
- 6.Asha Balakrishnan
- 7.K.Ganesan
- 8.Latha Shree Ganesan
- 9.P.P.R.Srinivasan
- 10.Meenakshi Srinivasan
- 11.N.Kalyanasundaram
- 12.Hemalatha Kalyanasundaram
- 13.P.N.Madhusoodhanan
- 14.Sujtha Madhusoodhanan

... Petitioners

Versus

1. The Commissioner
Hindu Religious & Charitable Endowment
Department, Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner of Temples
O/o.The Hindu Religious & Charitable
Endowment, Rajaveedhi, Coimbatore.
3. The District Registrar
Office of Registration,
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

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records from the 2nd respondent and quash the letter Na.Ka.No.5196/2011/A7 dated 22.11.2011 sent by the 2nd respondent, the Assistant Commissioner of Temples, Hindu Religious & Charitable Endowment, Coimbatore and consequentially direct the 3rd respondent herein, The District Registrar, Office of Registration, Collector Office Compound, State Bank Street, Coimbatore 641 018 and the 4th respondent herein, i.e, The Joint Sub Registrar II, Office of the Joint Sub Registrar II, Coimbatore, to register the sale deed presented by the petitioners the property situate at s.F.Nos.384/1E2 and 384/2B-0.86 $\frac{1}{4}$ cents, Thelungupalayam Village, Coimbatore Flat Nos.[1]105, [2]107 [3]201 [4]210 [5]211 [6]216 and [7]408 pertaining to the writ petitioners respectively, Springfield Vestal, No.3, New Rams Nagar Extension, Behind Bimetal bearings, P.N.Pudur Post, Coimbatore 641 041.

For Petitioners : Mr. G.Saravanakumar
For RR1 and 2 : Mr.M.L.Mahendran, GA
For RR 3 and 4 : Mr.R. Vijayakumar, AGP

ORDER

Heard Mr.G.Saravanakumar, learned counsel appearing for the petitioners ; Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondents 1 and 2 and Mr. R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents 3 and 4 and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioners have filed the present writ petition challenging the order of the 2nd respondent dated 22.11.2011 with a prayer to quash the same and for a consequential directions to the respondents 3 and 4 to register the Sale Deed presented by the petitioners in respect of the properties in question.

3.Learned counsel for the petitioners would submit that the issue involved in this writ petition is squarely covered by the earlier decision of this Court dated 04.07.2014 made in WP.No.17652/2014, wherein this Court considered the earlier order passed in WP.No.1119, 1120/2013 etc batch dated 27.03.2013 and disposed of the said writ petition in WP.No.17652/2014. The operative portion of the order reads thus:-

3. At the outset, learned counsel appearing for the petitioners 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 17.02.2014, wherein the matter involved the parties of that order dated 17.02.2014 for reference.

4. A perusal of that order relied upon by the learned counsel for the petitioners 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 27.03.2013, disposed of the W.P.No.231 of 2013. For better appreciation, the operative portion of 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 2006m dated 24.07.2006. 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 15.06.2012. 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 27.03.2013 [quoted supra], several writ petitions were disposed of by this Court, coupled with the further fact that the Additional Government Pleader for the respondents have no objection in

following the order dated 17.02.2014, passed in WP.No.231/2013, viz., the order relied upon by the learned counsel for the petitioners, the writ petition is also disposed of in the same lines, i.e., directing the 3rd and 4th respondents to register the sale deed presented by the petitioners in respect of the property morefully described in para No.2 of this order and return the same to the petitioners without insisting upon any 'NOC' . It is also made clear that the Registrar when registering the document will make an entry in the document incorporating the words "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 MPs are closed."

4.The learned Additional Government Pleader as well as the learned Government Advocate appearing for the respondents do not dispute the submission made by the learned counsel for the petitioners that the issue involved in this writ petition is squarely covered by the earlier order of this Court.

5.In the light of the above, following the earlier order passed by this Court, the present writ petition is also disposed of by directing the respondents 3 and 4 to register the sale deed presented by the petitioners in respect of the property situate at S.F.Nos.384/1E2 and 384/2B-0.86 ¼ cents, Thelungupalayam Village, Coimbatore Flat Nos.[1]105, [2]107 [3]201 [4]210 [5]211 [6]216 and [7]408 pertaining to the writ petitioners respectively, Springfield Vestal, No.3, New Rams Nagar Extension, Behind Bimetal bearings, P.N.Pudur Post, Coimbatore 641 041. and return the same to the petitioners without insisting upon any 'NOC' . It is also made clear that the Registrar when registering the document will make an entry in the document incorporating the words "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 miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner
Hindu Religious & Charitable Endowment
Department, Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner of Temples
O/o.The Hindu Religious & Charitable
Endowment, Rajaveedhi, Coimbatore.
3. The District Registrar
Office of Registration,
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.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.16273
+1cc to the Government Pleader, S.R.No.16677
+1cc to the Government Pleader, S.R.No.16889

WP.No.8171 of 2015

EV(CO)
CA(31/03/2015)

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