



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.15589 of 2015

V.R.Kasi Viswanathan

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungampakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Trichy District, Trichy.

3.The Executive Officer,
Pudukkottai Temple,
Pudukkottai,
Pudukkottai District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to issue 'no objection certificate' for transfer of patta on the basis of the report submitted by the 2nd and 3rd respondents proceedings in Na.Ka.No.14737/2013-1/A3, dated 28.05.2015, within a time frame fixed by this Court.

For petitioner	: Mr.S.Mohamed Kadhar
For R-1 & R-2	: Mr.R.Velmurugan, Government Advocate
For R-3	: Mr.G.Mathavan

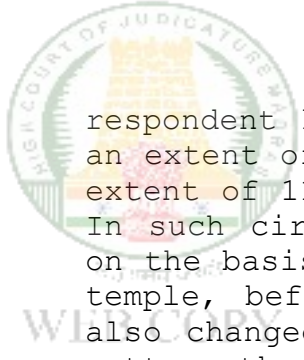
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to issue 'no objection certificate' for transfer of patta on the basis of the report submitted by the 2nd and 3rd respondents.

2. Mr.R.Velmurugan, learned Government Advocate takes notice for R1 & R2 and Mr.G.Mathavan, learned counsel takes notice for R3.

3. By consent, this Writ Petition itself is taken up final disposal.

4.It is averred in the petition filed in support of the Writ Petition that the petitioner purchased the property measuring to an extent of 37 cents, situated at Survey Nos.8673/8, 8673/5, 8673/6 by way of a registered sale deed, dated 12.01.1983, vide document No.360. The petitioner executed a gift deed in favour of Pudukkottai Arulmighu Thiruvapur Muthumariamman Temple Thakkar/Executive Officer, the third



respondent herein by way of a registered document, dated 28.05.1996 to an extent of 6296 sq. ft. alone. The remaining property measuring to an extent of 1116 sq. ft., is in possession and enjoyment of the petitioner. In such circumstances, the third respondent applied for change of patta on the basis of the gift deed executed by the petitioner in favour of the temple, before the Tahsildar, Pudukkottai. The name in the patta was also changed on the basis of the gift deed. At the time of changing patta, the Revenue Officials wrongly included the other properties belongs to the petitioner in the same survey number and issued the patta in favour of the temple. Hence, the petitioner sent a representation to the Hindu Religious and Charitable Endowments Authorities to issue 'no objection certificate' for change of patta in respect of 1116 sq. ft. With regard to the same, the third respondent has also sent a communication to the second respondent for issuance of no objection certificate for transfer of patta. Thereafter, the third respondent also sent a report to the first respondent in this regard on 28.05.2014. But there was no response. Hence, the petitioner sent a representation to the first respondent on 02.06.2015. The same was not considered so far. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. Though a positive direction has been sought for in the Writ Petition, considering the facts and circumstances of the case, without going into the merits of the matter, this Court directs the first respondent to consider the representation of the petitioner, dated 02.06.2015, and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the first respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department, Nungampakkam, Chennai.
- 2.The Joint Commissioner, Hindu Religious and Charitable
Endowments Department, Trichy District, Trichy.
- 3.The Executive Officer, Pudukkottai Temple, Pudukkottai,
Pudukkottai District.

+two cc to Mr.S.Mohamed Kadhar, Advocate in SR.No.49887
+one cc to The Special Government Pleader, SR.No. 49719

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