

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.33109 of 2015

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Revenue and learned Government Pleader for Endowments.

2. The document presented by the petitioner for registration was kept pending as pending document No.350 of 2015 on the file of the third respondent-Sub-Registrar. The order of refusal was accordingly passed, which is impugned in this writ petition and the reasons given in the order of such refusal state that the property admeasuring 484 square yards in R.S.No.183/2 of Pathatungapadu Village of Kothatungapadu Panchayat, is included in the list of endowment land as per the directions of the Commissioner, Endowments Department dated 25.10.2008. Questioning the said proceedings, the present writ petition is filed.

3. Learned counsel for the petitioner *inter alia* contended that the document in question is only a mortgage deed and the land in question does not belong to the Endowments Department, in fact, it was sold by the Endowments Department and there is no land belonging to the temple in R.S.No.183/2.

4. It is stated that a clarification was also sought by the Assistant Commissioner of Endowments Department from the Commissioner under his letter dated 19.06.2012 recommending that the said land in R.S.No.183/2 does not belong to the

endowments. The Commissioner, Endowments Department, has since considered the same and issued a No-objection Certificate as the said land does not belong to the Endowments Department and as communicated by the Commissioner to the Government Pleader for Endowments along with a copy of the proceedings of the Commissioner in Rc.No.L2/23303/2012 dated 27.11.2015.

5. In view of that, therefore, now there is hardly an impediment in processing the said document from the Endowments Department. Consequently, the refusal order is set aside.

6. Accordingly, the Writ Petition is disposed of, directing respondent No.3 to consider the said No-objection Certificate and process and finalize the registration with regard to pending document No. 350 of 2015. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V. AFZULPURKAR, J

4th December, 2015

sj