

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.17283 & 17284 of 2013

V.Jaishree
D.Jayalalitha

.. Petitioner in W.P.No.17283 of 2013
.. Petitioner in W.P.No.17284 of 2013

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 028.
- 2.The Sub Registrar,
No.51, 1st Floor,
Kamarajar Second Avenue, Adyar,
Chennai 600 020.
- 3.A/m.Arunchaleswarar Thirukoil,
Rep.by its Executive Officer,
Thiruvannamalai. .. Respondents in both W.Ps.

Prayer in both W.Ps.: Writ petitions filed under Article 226 of the Constitution of India praying to issue of writ of Mandamus directing the 2nd respondent to register and return the Document P.No.708/2008 & 709/2000 dated 30.10.2000 to the petitioners without insisting upon any No objection Certificate.

For Petitioner : Mrs.Rohini Ravikumar
For Respondents : Mrs.M.e.Raniselvam
Addl.Govt.Pleader

C O M M O N O R D E R

The petitioners seek for a direction to the second respondent to register and return the documents pending in Nos.708 & 709/2000 dated 30.10.2000 without insisting upon "No objection Certificate" from the third respondent.

2. According to the petitioners, the land in which superstructure was constructed, belongs to the third respondent's temple. This Court in various cases has passed orders stating that the Sub Registrar should not insist for " No Objection Certificate" from the temple, while registering the sale deed.

3. Furthermore, the third respondent's temple has filed a counter, in which, he has stated that the temple need not give a "No Objection Certificate" as held by this Court in an order passed in W.A.No.193 of 2013. The learned counsel for the third respondent would further submit that the petitioners in paragraph-5 of their affidavits have given an undertaking to delete the word "leasehold right" from the sale deeds, since they have decided to purchase only the superstructure and not the leasehold rights, the temple cannot give no objection even to the sale of superstructure for the following reasons:

a.If the superstructure is sold to the petitioners, the petitioners will be able to establish a possessory right over the land, which belongs to the temple apart from the fact that they will be using the land.

b. If a " no objection " is given by the Temple, the petitioners will claim either equity or estoppel at a later point of time when the Temple decides to initiate proceedings against them.

5. In view of the undertaking given, the petitioners are hereby directed to remove the phrase " leasehold rights" from the pending sale deeds. There is no justification on the part of the second respondent to seek for a " No objection" from the petitioner as held in the order in W.A.No.193 of 2013.

6. Accordingly, these writ petitions are disposed of with a direction to the second respondent to register the sale deeds in P.Nos.708 and 709/2000 without insisting for no objection certificate from the third respondent, within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that I have not expressed any views with regard to the petitioners' title over the lands in question. No costs.

Sd/-

Asst.Registrar (CS Vii)

/true copy/

Sub Asst. Registrar

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 028.

2.The Sub Registrar,
No.51, 1st Floor,
Kamarajar Second Avenue, Adyar,
Chennai 600 020.

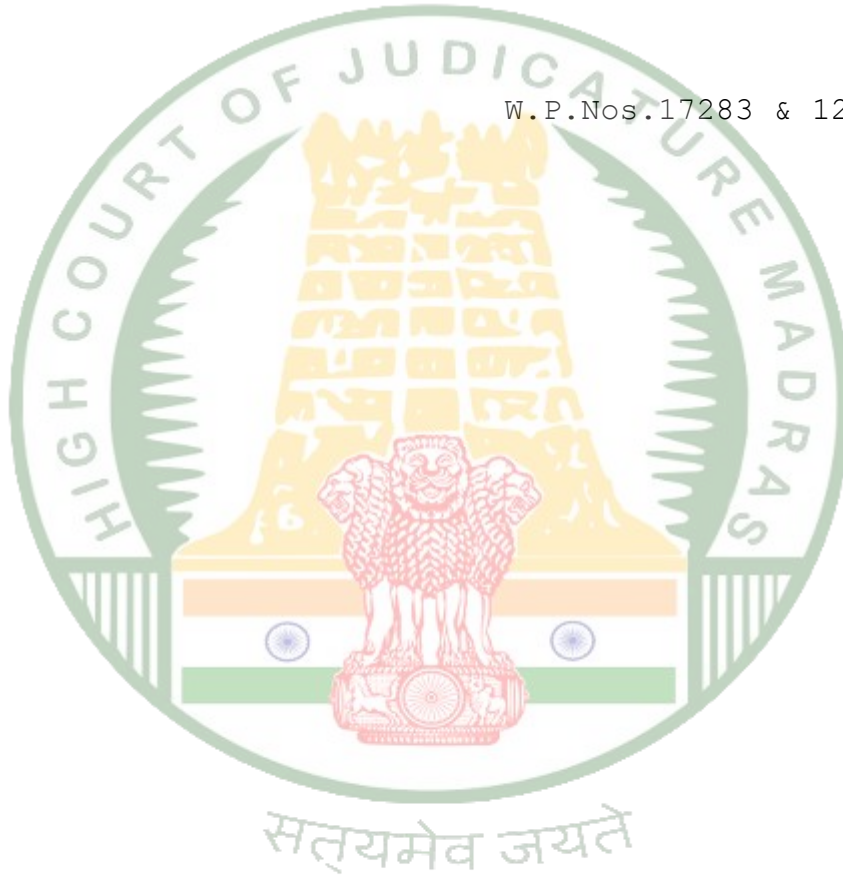
+1 CC'S to Govt.Pleader,sr.64951

+2 cc's to Mr.A.S.Kailasam & Associates,sr.64558, 59

+2 cc's to Mr.Rohini Ravikumar,advocate,sr.65251, 52

lrs(co)
krd 9/1

W.P.Nos.17283 & 12784 of 2013



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