

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27505 of 2013

N.S.Hameed Noohu

.. Petitioner

Versus

1. The Inspector General of Registration
Santhome High Road,
Chennai - 4.

2. The Sub Registrar,
Triplicane,
Chennai - 5.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a writ of mandamus or any other writ order or direction in the nature of a writ, directing the respondents to register and return the Document pending No.134, in receipt no.3045 dated 11.09.2013 to the petitioner.

For Petitioner : Mr.D.Kanagasundaram

For Respondents : Mr.K.Balamurugan, Govt.Advocate

O R D E R

The sale deed dated 11.09.2013 presented by the petitioner before the second respondent was kept as a pending document No.134 dated 11.09.2013, since the petitioner had not produced the no objection certificate from the Executive Officer of the Arulmigu Thiruvotteeswarar Thirukoil. Aggrieved against the order passed by the respondent in registering the sale deed document, the present writ petition is filed.

2. Heard Mr.D.Kanagasundaram, learned counsel appearing for the petitioner and Mr.K.Balamurugan, Government Advocate, appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the vendors in the aforesaid pending document have a

valid title over the subject property and hence no objection certificate from the temple, which is being insisted by the second respondent, is not warranted for the purpose of registration. In this connection the learned counsel would produce a copy of order passed by the learned Single Judge of this Court which reads as follows:-

"[Learned counsel for the third respondent submitted that since the land in question is belonging to the temple, an objection was raised before the second respondent for releasing the document. Therefore, the second respondent is keeping the document as pending and insisted the petitioners to get NOC from the third respondent.

However, learned counsel for the petitioners submitted that in similar circumstances, this Court by an order dated 04.03.2015 made in W.P.No.1517 of 2015, directed the respondents to register the sale deed and return the same to the petitioners, without insisting upon any 'NOC'. He prayed for similar order in this writ petition also.

Keeping the submissions made on either side, I have perused the materials placed before this Court. The learned Single Judge of this Court, by order dated 04.03.2015 made in P.No.1517/2015, passed the following order:

"Considering the fact that following the order, dated 27.03.2013, 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 for the respondents 3 and 4 have no objection in the following the order dated 17.02.2014, passed in W.P.No.231 of 2013 viz., the order relied upon by the learned counsel for the petitioners, the present writ petition is also disposed of in the same line, ie., directing the third and fourth 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 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"].

4. Observations in the above order, is squarely applicable

to the present case also.

5. Accordingly there shall be a direction to the second respondent to register the sale deed kept as pending Document No.134 in Receipt No.3045 dated 11.09.2013 and return the same to the petitioner without insisting for any no objection certificate from the temple and such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this order are not conferred on the title to the petitioner over the said land scheduled in the said sale deed.

6. With these observations this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Inspector General of Registration
Santhome High Road,
Chennai - 4.
2. The Sub Registrar,
Triplicane,
Chennai - 5.

+1cc to Mr.A. Kanaga Sundaram, Advocate, S.R.No.64534

+1cc to the Government Pleader, S.R.No.64534

msm(CO)
md(25/11/2016)

W.P.No.27505 of 2013