



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.18068 of 2016

and

W.M.P (MD)No.13034 of 2016

A.Karuppiah

... Petitioner

Vs.

1.The Sub-Registrar,
Melur,
Madurai District.

2.The Assistant Commissioner,
Hindu Religious & Endowments Department,
Madurai.

3.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

... Respondents

(R-2 & R-3 are impleaded as per order dated 05.10.2016
made in W.M.P(MD)No.13252 of 2016)

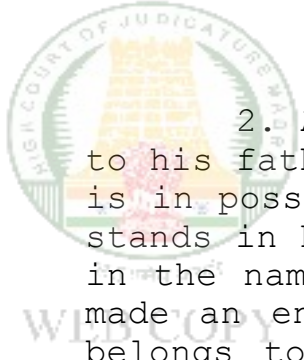
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent herein in his proceedings in தனிதகை குறிப்பு, 2/2016, dated 16.08.2016 and quash the same and consequently direct the first respondent herein to register the sale deed, dated 16.08.2016.

For Petitioner : M/s.K.Hemakarthiskeyan,

For Respondents : Mr.R.Anandharaj,
Government Advocate

ORDER

The petitioner has filed this Writ Petition challenging the order passed by the Sub-Registrar, Melur, dated 16.08.2016, refusing to register the sale deed presented by the petitioner, on the ground that the revenue records in respect of the land mentioned in the sale deed, stands in the name of a temple belongs to HR & CE Department.



2. According to the petitioner, the land originally belongs to his father by name Ayyankovil. After his death, the petitioner is in possession and enjoyment of the property and the patta also stands in his name. Subsequently, since the revenue records stands in the name of his father Ayyankovil, HR & CE Department wrongly made an entry in the records maintained by them as if the land belongs to a temple. Subsequently, the petitioner wants to sell the property and hence, he executed a sale deed and presented the same for registration before the first respondent. But the first respondent refused to register the same and passed the impugned order stating that the land mentioned in the sale deed belongs to HR & CE Department and directed the petitioner to get No Objection Certificate from the HR & CE Department. Hence, the petitioner has filed this Writ Petition.

3. According to the learned counsel for the petitioner, the land belongs to the petitioner and since his father's name is Ayyankovil, the HR & CE Department wrongly construed the same as temple land and made entry in their Registry.

4. Earlier when the matter came up for hearing, this Court directed the learned Government Advocate to verify with the Tahsildar, Melur Taluk, Madurai District, whether the revenue records in respect of the subject property stands in the name of the petitioner's father or in name of the temple belongs to HR & CE Department.

5. Today, when the matter is taken up for hearing, the learned Government Advocate on instructions would submit that the respondents verified with the records and the revenue records stand only in the name of the petitioner's father Ayyankovil and the land does not belong to any temple.

6. In view of the above, this Writ Petition is allowed and the impugned order passed by the first respondent, dated 16.08.2016, is hereby set aside and the first respondent is directed to register the sale deed submitted by the petitioner, if it is otherwise in order. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar



To

1.The Sub-Registrar,
Melur,
Madurai District.

2.The Assistant Commissioner,
Hindu Religious & Endowments Department,
Madurai.

3.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

+1cc to M/s.K.Hema Karthikeyan, Advocate SR.No.59534/2016
+1cc to special Government Pleader SR.No.59531/2016

pm

sm:PV:1.11.2016:3P/6C

W.P (MD) No.18068 of 2016
05.10.2016