

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.538 of 2017

M.Ramesh

... Petitioner

vs.

1. The Commissioner,
Hindu Religious Charitable Endowment Department,
119, Uttamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Vadapalani Andavar Temple,
Chennai 600 026.
3. The Sub-Registrar,
Office of the Sub-Registrar,
Virugambakkam,
Chennai 600 092.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 3rd respondent to register the Sale Deed dated 04.03.2016 executed by the petitioner assigned pending Document No.P 56/2016 in respect of Flat No.B 205, 2nd Floor, "Marvel Shrijee" bearing Door No.12A/17, Amman Koil Street, Vadapalani, Chennai 600 026, without insisting 'No Objection Certificate' from the 1st and 2nd respondents.

For Petitioner : Mr.S.Ganesh

For 1 Respondent: Mr.M.Maharaja (H.R. & C.E.)
Special Government Pleader

For 2nd Respondent: Mr.Sriram

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 3rd respondent to register the Sale Deed dated

04.03.2016 executed by him vide pending Document No.P 56/2016 in respect of Flat No.B 205, 2nd Floor, "Marvel Shrijee" bearing Door No.12A/17, Amman Koil Street, Vadapalani, Chennai 600 026, without insisting 'No Objection Certificate' from the 1st and 2nd respondents.

2. According to the petitioner, he proposed to sell his Flat in the above mentioned address to one N.Krishnamoorthy in February 2016 and executed a Sale Deed on 04.03.2016. His only grievance is that when he presented the Sale Deed for registration before the 3rd respondent, the latter directed him to obtain 'No Objection Certificate' from the 2nd respondent. But, the 2nd respondent is reluctant to issue 'No Objection Certificate'. Hence, having no other alternative, the petitioner is before this Court.

3. Learned counsel appearing for the 2nd respondent categorically submitted that the property in question does not belong to them and therefore, they cannot issue No Objection Certificate to the petitioner.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. In such view of the matter, there can be no hindrance for the 3rd respondent to verify the documents and execute the Sale Deed. Hence, without going into the merits of the case, this Court directs the 3rd respondent to verify the documents pertaining to the registration of the Sale Deed presented by the petitioner and pass appropriate orders in accordance with law, as expeditiously as possible. The submission of the learned counsel for the 2nd respondent is recorded. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.568 of 2017 is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner,
Hindu Religious Charitable Endowment Department,
119, Uttamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Vadapalani Andavar Temple, Chennai 600 026.
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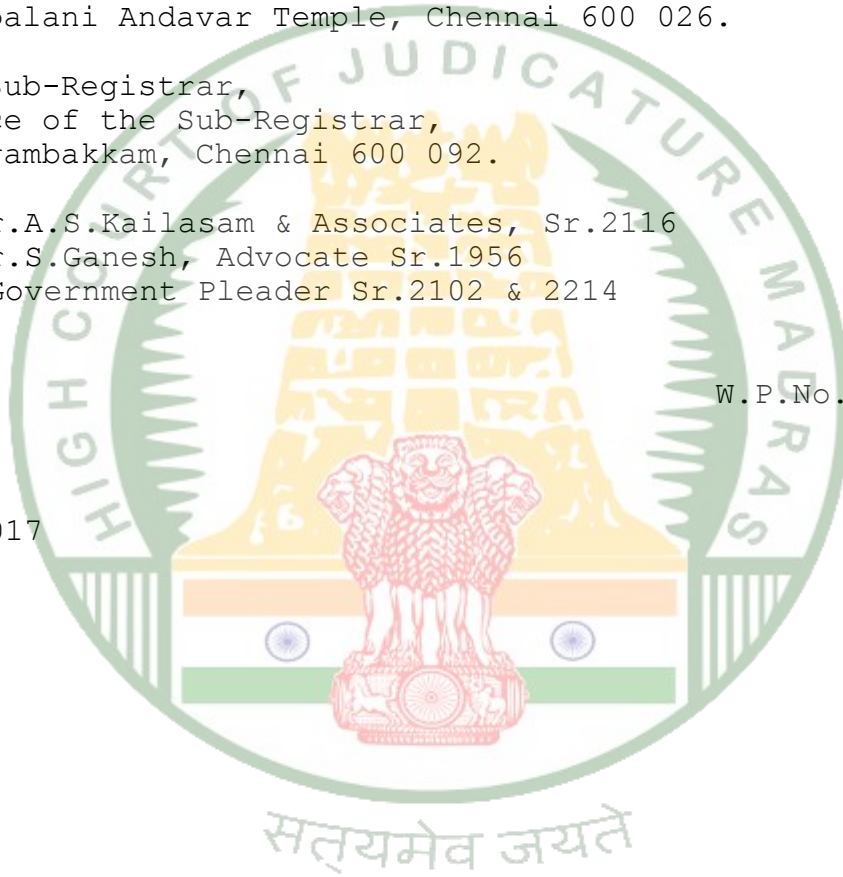
+1cc to Mr.A.S.Kailasam & Associates, Sr.2116

+2cc to Mr.S.Ganesh, Advocate Sr.1956

+2cc the Government Pleader Sr.2102 & 2214

W.P.No.538 of 2017

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