

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

Writ Petition No.15831 of 2017

K.Ramasamy

... Petitioner

v.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.

2.The Sub Registrar,
O/o.The Sub Registrar,
Dharapuram,
Tiruppur District.

3.The Executive Officer,
A/m.Bagavathiamman Temple,
Dharapuram Taluk,
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent herein for registering the Memorandum of Deposit of title deeds pertaining to 3.16 acres of agricultural land in S.F.No.51/3 Nanjiyampalayam Village, Dharapuram Taluk, when it is presented for registration.

For Petitioner : Mr.Praveen Kumar Murthi
for Mr.V.P.K.Gowtham

For R1 & R3 : Mr.M.Maharaja, SGP
For R2 : Mr.R.Rajeswaran, SGP

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the second respondent herein to register the Memorandum of Deposit of Title Deeds pertaining to the agricultural land measuring to an extent of 3.16 acres in S.F.No.51/3, Nanjiyampalayam Village, Dharapuram Taluk, when it is presented for registration.

2. It is the case of the petitioner that Ryotwari patta was granted to his father Karuppusamy Gounder under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, as early as on 02.07.1982 and the same has not been challenged either by the third respondent or by any other third parties. The patta was granted to an extent of 3.16 acres of land in S.F.No.51/3 corresponding to old S.No.60/A3, Nanjiyampalayam Village, Dharapuram Taluk, Tiruppur District. When the petitioner presented the Memorandum of Deposit of Title Deeds in favour of the bank, the second respondent refused to receive the document for registration stating that there is a circular from the H.R & C.E. Department that the disputed land in S.F.No.51/3 belongs to the third respondent temple and the registration pertaining to the said land should not be done. In these circumstances, the petitioner has filed the above writ petition.

3. Heard Mr.Praveen Kumar Murthi representing Mr.V.P.K.Gowtham, learned counsel for the petitioner in support of his contention relied on the unreported judgment of the Division Bench of this Court made in W.P.No.30589 of 2013 etc. batch dated 05.04.2017, wherein, it has been held as follows:

"25.(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts....."

Learned counsel also relied on another unreported decision dated 01.12.2016 made in W.P.No.42142 of 2016, wherein, this Court directed the second respondent therein to consider the request of the petitioner and pass orders, on merits and in accordance with law, after giving opportunity to the third respondent therein.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for respondents 1 and 3 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the second respondent, submitted that in view of the orders passed by this Court, the second respondent may be directed to issue notice to the third respondent before taking a decision with regard to the registration or refusal of the document and thereafter, pass orders in accordance with law.

5. In view of the submissions made by the learned counsel on either side, following the orders passed by the Division Bench and this Court, I direct the second respondent to issue notice to the third respondent temple and after giving an opportunity of hearing to both sides, pass orders in accordance with law, with regard to the registration or refusal of the

document. In the case of the petitioner presenting the document for registration, the second respondent shall pass orders, after giving notice to the third respondent, within a period of eight weeks from the date of presentation of the document.

6.With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rk

To

1.The Commissioner,
Hindu and Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai.

2.The Sub Registrar,
O/o.The Sub Registrar,
Dharapuram,
Tiruppur District.

3.The Executive Officer,
A/m.Bagavathiamman Temple,
Dharapuram Taluk,
Tiruppur District.

+1 cc to the M/s.V.P.K.Gowtham Advocate sr 49031
+2 ccs to Government Pleader sr 49106,49081

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