



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.6616 of 2015
and
M.P (MD) Nos.1 and 2 of 2015

M.D.Selvakumar

.. Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.

2.The District Registrar,
Madurai South, Madurai.

3.The District Collector,
Madurai District, Madurai.

4.The Sub-Registrar,
Arasaradi, Madurai.

5.Sri Vyasaraaja Mutt (Sosalai)
having its main office at
Krishnamoorthy Puram, Mysore.
[Fifth respondent is impleaded as per
order dated 22.03.2017 made in
W.M.P (MD) No.3594 of 2017].

.. Respondents

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 pertaining to the order of the third respondent passed in his proceedings in Na.Ka.No.14850/2014/G5 dated 20.03.2014 and the consequential order of the fourth respondent passed in his proceedings Nil dated 20.04.2015 and quash the same in so far the house purchased by the petitioner measuring about 465 sq.ft. in survey No.1208/22/2B at No.81, Kanagavel Colony, Ward No.5, Madurai as illegal and consequently directing the fourth respondent to take on file and register the petitioner's sale deed dated 20.04.2015.

For Petitioner

: Mr.T.Antony Arul Raj

For Respondents 1 to 4

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondent No.5

: No appearance

**ORDER**

This writ petition has been filed seeking a writ of Certiorari to quash the impugned order passed by the third respondent in his proceedings in Na.Ka.No.14850/2014/G5, dated 20.03.2014 and the consequential order passed by the fourth respondent dated 20.04.2015, in so far as the house purchased by the petitioner, measuring an extent of 465 square feet situated in Survey No.1208/22/2B at No.81, Kanagavel Colony, Ward No.5, Madurai and direct the fourth respondent to register the petitioner's sale deed dated 20.04.2015.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 4. Despite notice being served on the fifth respondent and the name being printed on the cause list, there is no representation on behalf of the fifth respondent either in person or through counsel.

3. The case of the petitioner is that he purchased a house property measuring an extent of 465 square feet situated in Survey No.1208/22/2B at No.81, Kanagavel Colony, Ward No.5, Madurai, from the President of Maranatha Full Gospel Association, Chennai for valuable consideration. It is the further case of the petitioner that the said property was originally belonged to the fourth respondent. One Grace Kamalam, who was the tenant of the vacant land of the Vyasaraaja Mutt, Karnataka, donated the super structure, vide a gift deed dated 04.04.1985 to the vendor of the petitioner and subsequently, the mutt sold the same in favour of his vendor, vide sale deed dated 20.06.1986. According to the petitioner, when he presented the sale deed for registration in respect of the property in question, the fourth respondent, vide proceedings, dated 20.04.2015, refused to register the same by assigning the reason that the third respondent by proceedings, dated 20.03.2014, instructed him not to register any sale deed, as he received an objection that a property measuring about 75,000 square feet comprised in Survey No.1208/22/2 belonged to Vyasaraaja Mutt was sold out without obtaining prior permission from the State Government as contemplated under the Hindu Religious and Charitable Endowment Act. Therefore, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that the property in dispute is not related to the property mentioned by the third respondent in his proceedings dated 20.03.2014 and an enquiry in respect of the said issue is said to be pending before the third respondent.

5. The learned Additional Government Pleader appearing for respondents 1 to 4 would submit that the petitioner may participate in the enquiry by placing all the materials, which is pending before the third respondent.



6. Under such circumstances, to give quietus, the petitioner is directed to place all the materials in support of his case, before the third respondent and also participate in the enquiry, which is pending before the third respondent and the third respondent shall pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 28.

2. The District Registrar,
Madurai South, Madurai.

3. The District Collector,
Madurai District, Madurai.

4. The Sub-Registrar,
Arasaradi, Madurai.

+1cc to M/S.T.ANTONY ARUL RAJ, Advocate SR.No.82007

+1cc to Special Government Pleader, SR.No. 82156

smn

MAS/SV-MMS/SAR4:12.10.2017:3P-7C

ORDER MADE IN
W.P (MD) No.6616 of 2015
and
M.P (MD) Nos.1 and 2 of 2015
09.10.2017