



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) Nos.16892 and 17414 of 2017

D.Kalaiyarasan ... Petitioner in both WPs
Vs.

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

2.The Sub Registrar,
Velayuthampalayam, Karur District.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Puzhalimalai,
Velayuthampalayam,
Karur District.

... Respondents in both WPs

PRAYER in WP(MD)No.16892 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to register and return the Document No. P.5/2017 Receipt NO. 2017554 dated 16.06.2017 to the petitioner without insisting upon any no objection certificate.

PRAYER in WP(MD)No.17414 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 2nd respondent to accept the presentation of the gift deed dated 31.08.17 executed by the petitioner in favour of the Executive Officer, Punjai Pugalur Village and register the same without insisting upon any no objection certificates.

For Petitioner	: Mr.S.Vijayakumar
For Respondents 1 & 2	: Mr.M.Alagathevan, Special Government Pleader

For Respondent 3	: Mr.P.Athimoola Pandiyan in both Wps
------------------	--

COMMON ORDER

WP(MD)No.16892 of 2017 has been filed seeking for issuance of a writ of Mandamus, directing the 2nd respondent to register and return the Document No.P.5/2017 Receipt No.2017554, dated 16.06.2017 to the petitioner without insisting upon any no objection certificate.

2.WP(MD)No.17414 of 2017, has been filed for issuance of a writ of Mandamus directing the 2nd respondent to accept the presentation of the gift deed dated 31.08.17 executed by the petitioner in favour of the Executive Officer, Punjai Pugalur Village and register the same without insisting upon any no objection certificates.

3. Since the issue involved in these writ petitions is one and the same, they are disposed of by way this common order.

4.By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

5.According to the petitioner, since there was no income from his agricultural lands, he converted the same into residential plots, after obtaining permission from the Director of Town and Country Planning. Chennai. However, the registration of the sale deed and gift deed in favour of the prospective buyers, was refused by the respondents. Aggrieved by the same, the petitioner is before this Court.

6.The learned counsel for the petitioner has referred to the judgment of the Division Bench of this Court, in Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai -34, [WP (MD)No.30589 of 2013 and batch, decided on 05.04.2017], wherein in the similar facts and circumstances it is 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 as indicated above."

According to the learned counsel appearing for the petitioner, such direction has not been complied with so far, despite several representations were made along with documents.



7. Heard both sides and perused the materials available on record.

8. Considering the facts and circumstances, this Court, without going into the merits of the case, directs the first respondent to consider the claim of the petitioner on merits and in accordance with law, in the light of the judgment cited supra, and keeping in mind the land revenue document dated 20.10.2016, after affording due opportunity of personal hearing to the petitioner and any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

9. The writ petitions are disposed of as above. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

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

2. The Sub Registrar,
Velayuthampalayam, Karur District.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Puzhalimalai, Velayuthampalayam,
Karur District.

+2ccs to Mr.S.Vijayakumar , Advocate, SR.Nos.89457 and 89458
+One cc to Mr.P.Athimoolapandian, Advocate, SR.No.89877
+One cc to The Special Government Pleader, SR.No.89885

dsk

RL/8C/3P/KK/SAR1/4/1/2018

W.P (MD) Nos.16892 & 17414 of 2017

27/11/2017