



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM:

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

W.P (MD) No.1782 of 2017

Muthuraman

.. Petitioner

Vs.

1.The Commissioner,

Hindu Religious and Charitable Endowment Board,
Chennai - 34.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowment Board,
Madurai.

3.The Assistant Commissioner,

Hindu Religious and Charitable Endowment Board,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 26.11.2016 to issue no objection certificate to enable the petitioner to register any document in respect of his property comprised in Survey No.31/2A, situated at Dindigul Main Road, Oddanchatram, Dindigul District.

For Petitioner : Mr.T.Lenin Kumar

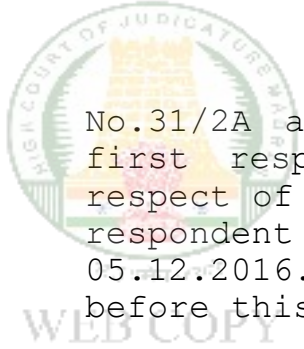
For Respondents : Mr.M.Alagathevan,
Special Government Pleader.

ORDER

This writ petition is filed seeking a writ of mandamus to direct the second respondent to issue no objection certificate to the petitioner so as to enable him to register any document in respect of his property, situated in Survey No.31/2A, Dindigul Main Road, Oddanchatram, Dindigul District, based on his representation dated 26.11.2016.

2.Heard both sides.

3.The case of the petitioner is that he is the owner of the property to an extent of 644 square feet situate in New Survey Nos.773/2A and 31/2A and since the property of Ramalingasamy Thannerpanthal comprised in Survey No.31/1A1 situate on the northern side of his property, the second respondent intimated the Sub Registrar, Oddanchatram, not to register any document in respect of Survey No.31. Now, the petitioner's property is situated in Survey



No.31/2A and he made a representation, dated 26.11.2016, to the first respondent seeking to issue no objection certificate in respect of his property and the first respondent directed the second respondent to take action on the same, vide proceedings, dated 05.12.2016. Since, no action has been taken, the petitioner is before this Court.

4.After some arguments, the learned counsel for the petitioner would submit that now the petitioner confines his prayer only to direct the second respondent to consider his representation, dated 26.11.2016, as per law.

5.The learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner is not available with the second respondent.

6.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a copy of the representation, dated 26.11.2016, along with a copy of this order as well as all the required documents relating to his title, to the second respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, all the necessary parties and fit person, within a period of four weeks thereafter.

7.The writ petition is disposed of as above. No costs. .

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Madurai.

+1cc to M/s.T.LENINKUMAR Advocate in SR. No. 86202
SMN

JS/KP/SAR.1/17.11.2017/2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN
W.P (MD) No.1782 of 2017
09.11.2017