



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.4228 and 6896 of 2017

and

W.M.P. (MD) Nos.3370 & 3371 of 2017

T.Loganathan

... Petitioner in both petitions

-vs-

1. The District Registrar,
O/o.The District Registrar Office,
Court Building, Trichy,
Trichy District.

2. The Sub-Registrar,
O/o.The Sub-Registrar Office,
Registration Department,
Srirangam, Trichy District.

3. The Joint Commissioner (HR&CE),
O/o.The Joint Commissioner Office,
Hindu Religious Charitable Endowment Board,
Trichy, Trichy District.

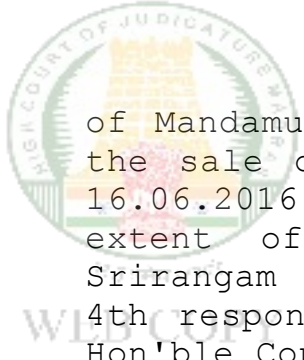
4. The Executive Officer / Joint Commissioner,
Arulmigu Aranganatha Swamy Devasthanam,
Srirangam, Trichy District.

... Respondents

(R4 impleaded vide order dated 09.06.2017 in WMP. (MD) No.3879/2017)

PRAYER in W.P. (MD) No.4228/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in check slip-2 Inspection Note dated 28.02.2017 and the consequential impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.2512/Aa1/2017 dated 03.03.2017 and quash the same as illegal and consequentially to direct the 2nd respondent to register and release the power deed dated 28.02.2017 without insisting NOC from the 3rd respondent within the period that may be stipulated by this Hon'ble Court.

PRAYER in W.P. (MD) No.6896/2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ



of Mandamus, directing the 2nd respondent to register and release the sale deed executed by the petitioner in Doc.No.P.34/2016 on 16.06.2016 in respect of property comprised in T.S.No.2247 to an extent of 4000 sq.ft situated at Vellithirumutham Village, Srirangam Taluk, Tiruchy District without insisting NOC from the 4th respondent within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Venkatesh Kumar,
For M/s.Ajmal Associates
For R1 & R2 : Mr.T.S.Mohamed Mohideen
Addl. Govt. Pleader
For R3 & R4 : Mr.K.Govindarajan

C O M M O N O R D E R

In W.P.(MD) No.4228 of 2017, the petitioner seeks to quash the the impugned order passed by the 2nd respondent in his proceedings in check slip-2 Inspection Note dated 28.02.2017 and the consequential impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.2512/Aa1/2017 dated 03.03.2017, by which, the petitioner was directed to obtained No Objection Certificate from the 3rd respondent. The petitioner also sought a direction to the 2nd respondent to register and release the power deed dated 28.02.2017 without insisting NOC from the 3rd respondent.

2. In W.P.(MD) No.6896 of 2017, the petitioner seeks a direction to the the 2nd respondent to register and release the sale deed executed by the petitioner in Doc.No.P.34/2016 on 16.06.2016 in respect of property comprised in T.S.No.2247 to an extent of 4000 sq.ft situated at Vellithirumutham Village, Srirangam Taluk, Tiruchy District without insisting NOC from the 4th respondent.

3. Since the issue involved in these writ petitions is one and the same, they are taken up together for final disposal by consent on either side. For the sake of brevity, the facts are being taken from W.P.(MD) No.4228 of 2017, which read as follows:

i) The petitioner inherited the property in question from his father and decided to sell a portion of the same to an extent of 4000 sq.ft. to one Kaniga. The 2nd respondent, having received the sale deed for registration, raised a doubt as to whether the property belongs to a Temple, despite production of relevant documents and records for verification by the petitioner. The 2nd respondent sought a report from the Tahsildar regarding the genuineness of Town Survey Field Register and the



Patta produced by the petitioner and after full-fledged enquiry, a report was submitted stating that the property in T.S.No.2247 stands in the name of his father in SLR register;

ii) The 2nd respondent, having received the report, has not registered and released the document till now. In the meanwhile, the petitioner executed a Power Deed in favour of one Mr.B.Anandan in Doc.No.4489 on 28.02.2017 and on receipt of the same, the 2nd respondent suddenly issued the impugned proceedings, refusing to register the same on the ground that the property in T.S.No.2247 has been wrongly entered as "Sriranganathaswamy". Though the petitioner approached the 1st respondent against the order of the 2nd respondent, the same was also rejected on 03.03.2017. Aggrieved by the overall act of the respondents, the petitioner is before this Court.

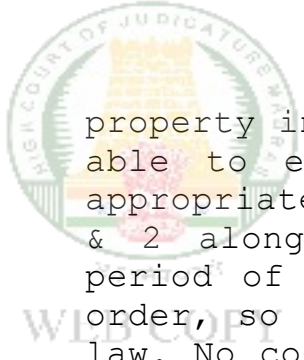
4. The learned counsel for the petitioner would submit that the subject matter of the property is a private property, which is evident from the records available with the Revenue Department and therefore, the 3rd respondent has no right or control over the property in question. He would further submit that 2nd respondent cannot retain any document presented before him for registration and documents should be registered and released after making endorsement, if at all any discrepancy is found. Therefore, he prayed for issuance of suitable direction to the respondents in this regard.

5. The learned counsel appearing for R3 and R4 would contend that though the property in question belongs to the Temple, there are no documentary evidences to substantiate the same and steps are being taken to trace out the same so as to prove the title to the property.

6. Heard the learned counsel on either side.

7. It is seen that in the survey register, the name has been inadvertently incorporated as Sriranganathaswamy and based on the subsequent representation, the same has been duly corrected in the year 1970, by entering the name of the father of the petitioner. It is also pertinent to mention here that an Encumbrance Certificate was issued by the 2nd respondent for 116 years, i.e., from 1900 to 2016 and the said certificate nowhere discloses any encumbrance related to the said property. Because of the insistence of the 2nd respondent to get no objection from the HR&CE department, the petitioner's attempt to sell the property by way of execution of sale deed is deprived.

8. Under such circumstances, in order to give quietus to the writ petitions are disposed of, directing the respondents 3 & 4 to consider the claim of the petitioner for grant of No Objection Certificate to him in respect of the



property in issue. However, if the respondents 3 & 4 are otherwise able to establish the title to the property, they shall pass appropriate orders and the same be intimated to the respondents 1 & 2 along with all supporting documents and records within a period of six weeks from the date of receipt of a copy of this order, so as to enable them to proceed further in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Registrar,
O/o.The District Registrar Office,
Court Building, Trichy,
Trichy District.
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4. The Executive Officer / Joint Commissioner,
Arulmigu Aranganatha Swamy Devasthanam,
Srirangam, Trichy District.

+2cc to Mr.M/s.Ajmal Associates, Sr.No.88277,88278

+1cc to Mr.K.Govindarajan, Advocate Sr.No.88566

+1cc to Spl.Government Pleader Sr.No.88668

AR

VB/SKN/RSK/SAR4/29/11/2017/4P/9C

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