

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.8221 of 2018

and

W.M.P.Nos.10194 & 10195 of 2018

P.Arun Prabhu

..Petitioner

Vs

- 1.The Joint II Sub Registrar,
Joint II Sub Registrar Office,
Tiruppur.
- 2.The District Registrar,
Tiruppur.
- 3.The Inspector General of Registration,
Santhome High Road,
Chennai - 4.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records of the 1st respondent dated 30.08.2016 in Registration Refusal No.5/16 and quash the same and consequently direct the 1st respondent to register and return the document bearing the sale deed dated 22/6/16 bearing Doc.P45/16 to the petitioner.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
(Registration)

O R D E R

This writ petition has been filed by the petitioner, to quash the order of the first respondent dated 30.08.2016 and for consequential relief.

2. The case of the petitioner is that he purchased the property in Old S.No.122 Part, T.S.No.33, Perumal Koil Veedhi, Tiruppur, from one Muthu Kumara Ramalingam and the same was presented for registration to the first respondent, who has keeping the same as Pending Doc.P.45/16 dated 22.06.2016, on the ground that the aforesaid property belongs to Arulmighu Visweswarasamy and Veerargahavaperumal Thirukoil and insisted him to produce No Objection Certificate from the HR & CE Department. Hence, the petitioner approached the temple authorities, seeking clarification. The Executive Officer, vide Proceedings dated 19.01.2018, informed to the first respondent that the property in question does not belong to the temple. However, the first respondent declined to register the sale deed, vide proceedings dated 30.08.2016. Therefore, the petitioner is before this Court.

3. However, the learned counsel for the petitioner, during the course of argument, confined the prayer sought in this writ petition to the extent of directing the respondents to consider the letter dated 25.04.2018 issued by the Assistant Commissioner, HR & CE, Tiruppur, stating that the aforesaid property is not a temple property and pass appropriate order with regard to the claim of the petitioner.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the claim of the petitioner would be considered on merits and in accordance with law.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to consider the letter dated 25.04.2018, issued by the Assistant Commissioner, HR & CE, Tiruppur and thereafter pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the interested parties, within a period of four weeks, from the date of receipt of a copy of this order.

6. With the above direction, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Joint II Sub Registrar,
Joint II Sub Registrar Office,
Tiruppur.

2.The District Registrar,
Tiruppur.

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

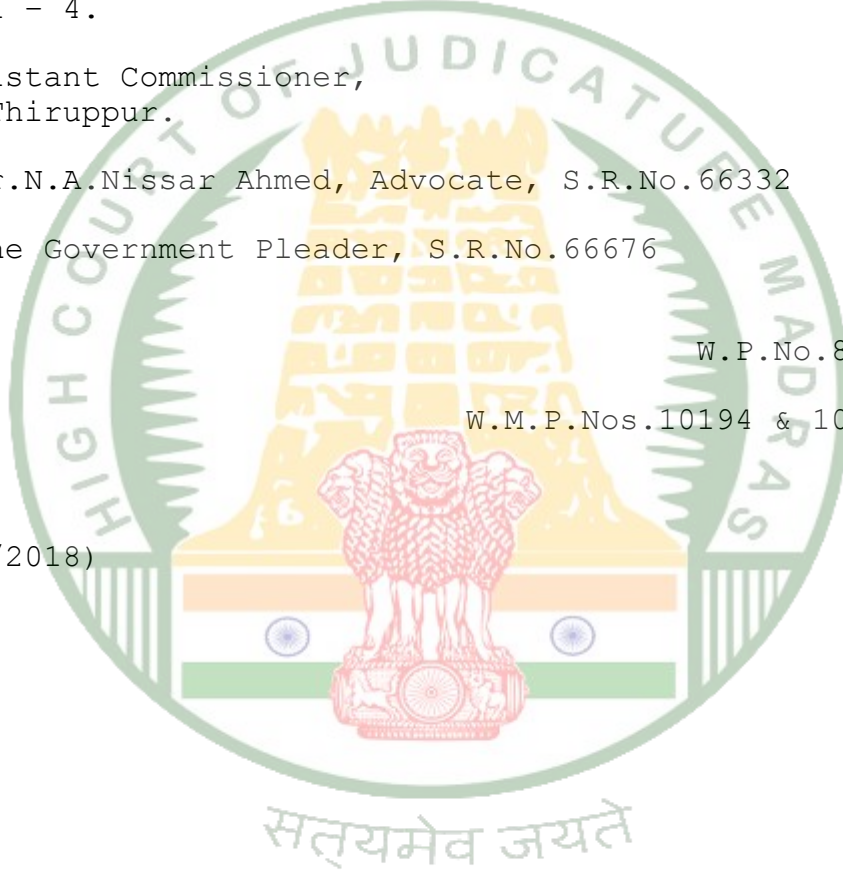
4.The Assistant Commissioner,
HR & CE, Thiruppur.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.66332

+1cc to the Government Pleader, S.R.No.66676

W.P.No.8221 of 2018
and
W.M.P.Nos.10194 & 10195 of 2018

NMI (CO)
GSP (29/10/2018)



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