



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.117 of 2018

R.Rajkumar

... Petitioner

-Vs-

1.The Commissioner,
Hindu Religious & Charitable Endowments,
119, Uthmar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Deputy Commissioner/Executive Officer,
Arulmigu Subramania Amway Thirukovi,
Thitupparankundram,
Madurai-625 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to delete the entries in respect of the land in S.No.114/1C of Thiruparakundram village made in the property register of the 2nd respondent temple and consequently direct the 2nd respondent to issue no objection certificate to the petitioner in order to get the sale deed dated 21.11.2016 in pending document No.123/2016 from the office of the Sub-Registrar, Thiruparankundram.

For Petitioner

:Mr.P.Baskaran

For 1st Respondent

:Mr.Aayiram K.Selvakumar

Additional Government Pleader

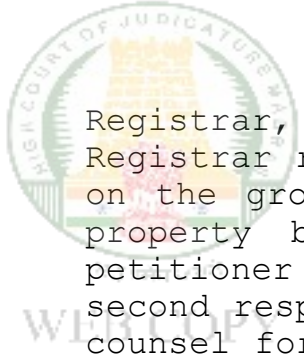
For 2nd Respondent

:Mr.M.Muthugeethayan

ORDER

This writ petition has been filed seeking a direction to the second respondent to delete the entries in respect of the land in Survey No.114/1C of Thiruparankundram village.

2.According to the petitioner, he is the owner of the property in Plot No.22, Door No.6/12, Pasumpon Street, Chithrakala Mini Colony, Madurai. His father purchased the above said property from Thirunagar Co-operative Housing Society, Madurai, which was approved by the Director of Town and Country Planning authorities. Now, he wants to sell the property in favour of one G.Venkatesan, and executed a sale deed, and present the same before the Sub-



Registrar, Thiruparankundram. According to the petitioner, the Sub-Registrar registered the documents, but refused to release the same on the ground that the second respondent has submitted a list of property belongs to the temple including the property of the petitioner and without getting No Objection Certificate from the second respondent, the documents will not be released. The learned counsel for the petitioner submitted that earlier the Commissioner, H.R. & C.E. , the first respondent herein already issued a direction to the second respondent to delete the survey No.114/1 by his proceedings dated 31.02.2017 from the property list of the second respondent temple. Despite the order passed by the Commissioner, so far the second respondent did not delete the survey number in the property list of the second respondent temple. Hence, he filed the present writ petition.

3.The learned counsel appearing for the petitioner would contend that even though the Commissioner has passed an order directing the second respondent to delete the above said survey number from the property list, the second respondent has not yet deleted the same and hence, the second respondent may be directed to delete the entry as per the earlier commissioner's order and to issue No Objection Certificate in respect of the above said property alone.

4.Considering the above circumstances, since already the commissioner has directed the second respondent to delete the above said Survey Number from the list of the temple property, the second respondent is directed to consider the petitioner's representation considering the order passed by the first respondent, dated 31.02.2017 and to give No Objection Certificate to the petitioner for releasing the document in favour of the petitioner.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

The Commissioner,
Hindu Religious & Charitable Endowments,
119, Uthmar Gandhi Salai,
Nungambakkam, Chennai-600 034.
+1CC TO M/S.P.BASKARAN, ADVOCATE, SR NO.48147
+1CC TO M/S.M.MUTHUGEETHAYAN, ADVOCATE, SR NO.48170
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.49014

W.P. (MD) No.117 of 2018
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