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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :31.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)Nos.12425 and 7129 of 2018
and
W.M.P.(MD) .No.11302 of 2018

T.Loganathan : Petitioner in W.P.(MD).No.12425 of 2018

L.Manikandan : Petitioner in W.P.(MD).No.7129 of 2018

Vs.

1. The District Registrar(Administration)
Additional Charge,
Office of the District Registrar,
Trichy, Trichy District.

2. The Sub Registrar,
Srirangam Registrar Office,
Srirangam, Trichy District.

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

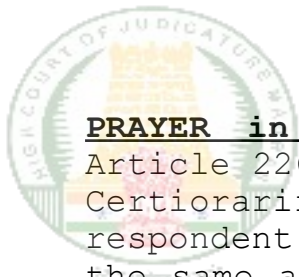
:Respondents in W.P.(MD).No.12425 of 2018

1. The District Registrar,
Office of the District Registrar Office,
Trichy, Trichy District.

2. The Sub Registrar,
Office of the Sub Registrar Office,
Registration Department,
Srirangam, Trichy District.

3. The Joint Commissioner(HR and CE)
Office of the Joint Commissioner Office,
Hindu Religious Charitable Endowment Department,
Trichy, Trichy District.

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



PRAYER in W.P. (MD).No.12425 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in his proceeding in P.34/2016 dated 05.05.2018 and quash the same and consequently direct the second respondent to conduct a fresh enquiry after issue of notice and conducting an enquiry by hearing both parties and pass necessary order for afresh to register the documents presented by the petitioner in respect of the property situated in T.S.No.2247, Block No.50, Ward "B" Vellithirumutham Village, Srirangam Taluk, Tiruchirapalli District.

PRAYER in W.P. (MD).No.7129 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Sub Registrar, Srirangam, Trichy District to register and release the power deed in Document No.P.34 of 2016 with regard to petitioner's property in Ward-B, Block 5, Vellithirumutham Village, Srirangam Taluk, Trichy District.

In W.P. (MD).No.12425 of 2018:

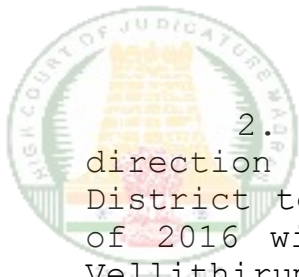
For Petitioner	: Mr.A.Rahul
For R-1 and R-2	: Mr.M.Murugan Government Advocate
For R-3	: Mr.Saravanan

In W.P. (MD).No.7129 of 2018:

For Petitioner	: Mr.A.Rahul
For R-1 and R-2	: Mr.M.Murugan Government Advocate
For R-3	: Mr.V.Anand Government Advocate
For R-4	: Mr.Saravanan

COMMON ORDER

In W.P. (MD).No.12425 of 2018, the petitioner seeks to quash the impugned order passed by the second respondent in his proceedings in P.34/2016 dated 05.05.2018 and seeks a consequential direction to the second respondent to conduct a fresh enquiry after issuing notice by hearing both parties and pass necessary order for afresh to register the documents presented by the petitioner in respect of the property situated in T.S.No.2247, Block No.50, Ward "B" Vellithirumutham Village, Srirangam Taluk, Tiruchirapalli District.



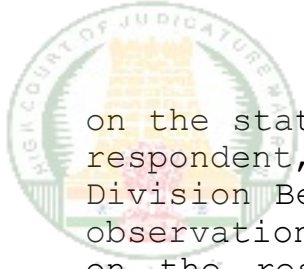
2. In W.P.(MD).No.7129 of 2018, the petitioner seeks a direction to the second respondent/Sub Registrar, Srirangam, Trichy District to register and release the power deed in Document No.P.34 of 2016 with regard to petitioner's property in Ward-B, Block 5, Vellithirumutham Village, Srirangam Taluk, Trichy District.

3. When the petitioners attempted to register the power deed dated 28.02.2017 pertaining to the property comprised in S.No.2247 of, Block No.50, Ward "B" Vellithirumutham Village, Srirangam Taluk, Tiruchirapalli District, the second respondent/Sub Registrar, Srirangam, Trichy District, insisted for 'No Objection Certificate' from the Executive Officer/The Joint Commissioner, Arulmigu Aranganatha Swamy Devasthanam, Srirangam, Trichy District. Therefore, the petitioner had filed the writ petitions in W.P.(MD). Nos.4228 and 6896 of 2017. This Court, by an order dated 20.11.2017, had recorded that the temple did not have any documents to substantiate the title and further observed that as per the revenue records, the subject property stood in the name of the petitioner herein. With such observations, this Court had directed the Joint Commissioner of Hindu Religious and Charitable Endowment Department and Executive Officer/the Joint Commissioner, Arulmigu Aranganatha Swamy Devasthanam, Srirangam, Trichy District to consider the petitioners' claim for grant of 'No Objection Certificate' over the said property within six weeks. Pursuant to the said order, the present impugned order dated 05.05.2018, has been passed by the second respondent rejecting the petitioners' claim. Challenging the same, both the writ petitions have been filed.

4. Among other grounds raised by the petitioners, one of the main grounds is that no opportunity was given to the petitioners while the impugned order came to be passed.

5. I have perused the impugned order, dated 05.05.2018, and there is nothing on record to show that the petitioners were granted an opportunity to file their objection. In view of the earlier order of this Court dated 20.11.2017 passed in W.P.(MD).Nos.4228 and 6896 of 2017, it would have been appropriate for the second respondent/ Sub Registrar, Srirangam, Trichy District to give an opportunity to the petitioners, since the observations therein are to the effect that the petitioners have title over the property and that the temple do not have any records to substantiate the titles.

6. The learned counsel appearing for the 3rd respondent/ Executive Officer/the Joint Commissioner, Arulmigu Aranganatha Swamy Devasthanam, Srirangam, Trichy District on the other hand submitted that there are records to show that the property belongs to the temple as on date and that they have also preferred writ appeal, which is yet to be numbered. I do not wish to render any bindings



on the statement made by the learned counsel appearing for the third respondent, in view of the fact that there is no order of Hon'ble Division Bench stating that the earlier order of this Court and the observations made by this Court in order dated 20.11.2017 is binding on the respondents. Nevertheless in view of the fact that the petitioners were not given an opportunity to put forth their objections, when the impugned order came to be passed, it would be appropriate to remit the matter back to the second respondent for fresh consideration.

7. In the result, the impugned order dated 05.05.2018 passed by the second respondent is quashed. Consequently, the matter is remitted back to the first respondent, who shall pass a fresh order, after giving due opportunity to the petitioners as well as the third respondent/ Executive Officer/the Joint Commissioner, Arulmigu Aranganatha Swamy Devasthanam, Srirangam, Trichy District. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. These writ petitions are ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Registrar,
Office of the District Registrar Office,
Trichy, Trichy District.
2. The District Registrar(Administration)
Additional Charge,
Office of the District Registrar,
Trichy, Trichy District.
3. The Sub Registrar,
Office of the Sub Registrar Office,
Registration Department, Srirangam, Trichy District.
4. The Joint Commissioner(HR and CE)
Office of the Joint Commissioner Office,
Hindu Religious Charitable Endowment Department,
Trichy, Trichy District.



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

+1CC to Mr.A.RAHUL, Advocate, SR.No. 76022

+2CC to Mr.M.SARAVANAN, Advocate, SR.No.76102,76103

+1CC to the Special Government Pleader SR.No. 76196

W.P. (MD) Nos.12425 and 7129 of 2018
and

W.M.P. (MD) .No.11302 of 2018
31.07.2018

SJI

ES/RP/SAR 4/10.08.2018/5P/10C