

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 25.02.2019

CORAM  
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5239 of 2019  
and  
W.M.P.No.5948 of 2019

1. P.Kondaswamy

2. Jayanthi

... Petitioners

Vs

1. The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Nungambakkam High Road,  
Chennai - 34.

2. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Coimbatore - 18.

3. The District Registrar,  
Registration Department,  
Coimbatore - 18.

4. The Sub Registrar,  
Sulur,  
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2<sup>nd</sup> and 4<sup>th</sup> respondents to remove the encumbrance and prohibitory order dated 06.09.2012 in Doc No.22/2012 in respect of private property totally 14 acres in S.F.No.211, Appanaickenpatti Village, Sulur Taluk, Coimbatore District by considering petitioners' representation dated 10.10.2018.

For Petitioners : Mr.S.Vinoth Kumar

For Respondents : Mr.M.Maharaja  
Special Government Pleader  
for R1 & R2  
Mr.M.Thamizharasan  
Government Advocate for R3 & R4

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the first and second respondents and Mr.M.Thamizharasan, learned Government Advocate takes notice for the third and fourth respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners seek for a mandamus directing the second and fourth respondents to remove the encumbrance and prohibitory order dated 06.09.2012 in Doc No.22/2012 in respect of private property totally 14 acres in S.F.No.211, Appanaickenpatti Village, Sulur Taluk, Coimbatore District, by considering their representation dated 10.10.2018.

3. The grievance of the petitioners is that the subject matter land, which according to the petitioners belonging to them, has been wrongly shown in the Encumbrance Certificate, as if belonging to the HR & CE Department. Therefore, they seek for removal of the entry made in the Encumbrance register.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioners, as it is for the third respondents to consider and decide the same.

5. It is seen that already the third respondent has issued the communication dated 16.11.2018 to the petitioners to produce all the relevant records. Therefore, it is for the petitioners to go before the third respondent with relevant records.

6. Accordingly, this writ petition is disposed of, only by directing the third respondent to consider the petitioners' representation dated 10.10.2018 and pass orders on the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Needless to say that the third respondent while passing the orders on the petitioners' request should also hear the petitioners as well as the HR & CE Department. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni/mk

To

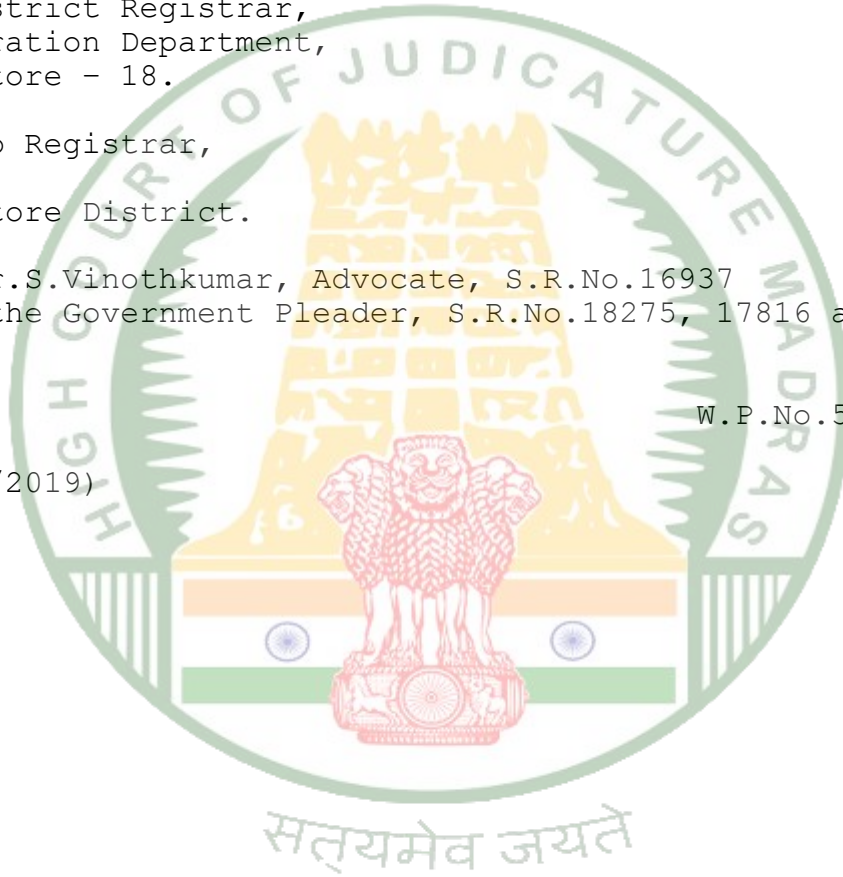
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+1cc to Mr.S.Vinothkumar, Advocate, S.R.No.16937

+3ccs to the Government Pleader, S.R.No.18275, 17816 and 18962

W.P.No.5239 of 2019

RRS (28/03/2019)



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