

In the High Court of Judicature at Madras

Dated : 03.12.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.33733 of 2019

K.R.Nagarajan

...Petitioner

Vs

1.The Sub-Registrar Joint II,
Tirupur, Tirupur District.

2.The Commissioner, Hindu Religious
& Charitable Endowments
Department, Tirupur Taluk & District.

...Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to receive the sale deed dated 06.3.2019 presented by the petitioner and register the same within the time period stipulated by this Court.

For Petitioner :Mr.K.S.Kaviarasu

For Respondent-1:Mr.M.Tamilarasan, GA

For Respondent-2:Mr.M.Maharaja, SGP

ORDER

Mr.M.Tamilarasan, learned Government Advocate accepts notice for the first respondent. Mr.M.Maharaja, learned Special Government Pleader, accepts notice for the second respondent. Heard both.

2. The petitioner seeks an innocuous prayer to direct the first respondent to accept the sale deed and register the same.

3. After hearing the learned Government Advocate appearing for the first respondent, it is seen that the Executive Officer of Arulmighu Vishweswara Swamy Thirukoil, Tiruppur lodged a complaint for entertaining any sale deed for consideration on the ground that the subject property is owned by the temple.

4. The learned counsel for the petitioner submits that the petitioner's vendor's vendor and predecessor in title have been granted patta by the Settlement Tahsildar and that the claim made by the temple is wholly unsustainable.

5. In the light of the objection raised by the temple, this Court cannot issue a direction to the first respondent to register the document. However, the first respondent shall conduct an enquiry and pass a speaking order so that the petitioner will know where he stands.

6. For the above reasons, the writ petition is disposed of by directing the petitioner to give a comprehensive representation along with documents, which he proposes to rely upon to state that the property in question is not a temple property. On receipt of such a representation, the same shall be forwarded to the Executive Officer of Arulmighu Vishweswara Swamy Thirukoil, Tiruppur, who shall file a counter to the petitioner's representation. On receipt of the counter/objections from the temple, the first respondent shall enquire into the matter by issuing notice to the petitioner and the Executive Officer of the temple and pass a reasoned order on merits and in accordance with law within a period of three months from the date, on which, the petitioner submits his representation in terms of the above directions. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Sub-Registrar Joint II,
Tirupur, Tirupur District.

2.The Commissioner, Hindu Religious &
Charitable Endowments Department,
Tirupur Taluk & District.

+1cc to Mr.K.S.Kaviarasu, Advocate SR.100795

+1cc to the Special Govt Pleader(HR&CE) SR.101235

+1cc to the Government Pleader SR.101148

W.P.No.33733 of 2019

VD(CO)

CB(08/01/2020)