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In the High Court of Judicature at Madras

Dated : 11.3.2020

Coram

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.27340 of 2012 & MP.No.1 of 2012

- 1.N.Ponnambalam (deceased)
- 2.Sarala

(P2-substituted as legal heir of the deceased
P1 as per order of court dated 11.6.2018
by VPNJ in WMP.No.9261 of 2018)

...Petitioners

Vs

- 1.The Sub-Registrar, Thirunavalur,
Villupuram District.

(R1 amended vide court order dated 14.11.2018
in WMP.No.29572 of 2018 by CVKJ)

- 2.The Assistant Commissioner, Hindu
Religious and Charitable Endowment,
Villupuram.

(R2 impleaded as per order of court dated
08.11.2012 by NPVJ in MP.No.2 of 2012)

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to
call for the records in Roc. No.209 of 2012 dated 18.7.2012,
quash the same as illegal, incompetent and without jurisdiction
and further direct the first respondent to register the sale
deed presented on 20.6.2011 in pending Document No.P10/2011 and
duly return the document.

For Petitioners : Ms.Aishwarya for Mr.V.Raghavachari

For Respondent-1 :Mr.P.P.Purushothaman, GA

For Respondent-2 :Ms.G.N.Jayantheswari, GA



ORDER

I have heard Ms.Aishwarya, learned counsel appearing on behalf of Mr.V.Raghavachari, learned counsel on record for the petitioners, Mr.P.P. Purushothaman, learned Government Advocate appearing for the first respondent and Ms.G.N.Jayantheswari, learned Government Advocate appearing for the second respondent.

2. The first petitioner impugned the proceedings issued by the first respondent namely the Sub-Registrar, Thirukoilur and subsequently the jurisdiction vests with the Sub-Registrar, Thirunavalur, Villupuram District. By the impugned communication, the first petitioner had been informed that the sale deed executed by him could not be accepted for registration and had been treated as pending document in P.10/2011 on the ground that the second respondent had given objections vide letter dated 26.7.2011.

3. In the said letter dated 26.7.2011, it had been mentioned that as against the judgment and decree dated 31.3.2006 in A.S.No.47 of 2005 on the file of the First Additional Subordinate Court, Villupuram, the Hindu Religious and Charitable Endowment (HR&CE) Department filed a second appeal before this Court, that it is yet to be numbered and that the SR number had been given as SA.SR.No.17964 of 2011. Based on the said letter sent by the second respondent dated 26.7.2011, the first respondent called upon the first petitioner to produce a no objection certificate from the HR&CE Department within 15 days, failing which, it had been further informed that the document would be returned to the first petitioner.

4. A copy of the order dated 27.3.2012 passed in MP.No.2 of 2011 in SA.SR.No.17964 of 2011 is produced wherein a conditional order has been passed for condoning the delay in filing the second appeal filed by the HR&CE Department and the District Collector, Villupuram District. However, it is not known as to whether the said conditional order has been complied with or not. The judgment and decree dated 31.3.2006 in A.S.No.47 of 2005 on the file of the First Additional Subordinate Court, Villupuram had become final. In the given scenario, the objections raised by the HR&CE Department cannot at all be sustained and consequently, the impugned communication deserves to be set aside.

5. Accordingly, the writ petition is allowed, the impugned order dated 18.7.2012 is set aside and the first respondent is directed to register and release the pending document to the



second petitioner subject to fulfilment of other conditions. No costs. Consequently, the connected MP is closed.

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Sd/-
Assistant Registrar (CO-MDU)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Sub-Registrar, Thirunavalur,
Villupuram District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Villupuram.

+1cc to the Government Pleader SR.22672, 22794

WP.No.27340 of 2012
and MP.No.1 of 2012

RSI (CO)
CB(09/07/2020)