

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11409 Of 2019

N.Subramanian

.. Petitioner

vs

1.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Coimbatore.

2.The Joint Sub Registrar II
Tiruppur.

3.The Executive Officer,
Arulmighu Vishweswarasamy
and Veeraragaghava Perumal Temple,
Tiruppur.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to register the documents relating to the transfer of 06.24 acres of dry land in survey No.28 (Town Survey No.8/2 & 8/3 in Tiruppur Town, Taluk and District or part thereof by following in the light of direction issued by the Division Bench of this Hon'ble Court in W.P.No.30589 of 2013 etc., batch dated 05.04.2017 (2017(3) CTC 134 Sudha Ravikumar and another Vs Special Commissioner and Commissioner of HR & CE Department, Chennai-34 and others).

For Petitioner : Mr.S.Gajapathikrishnan

For Respondents : Mr.M.Karthikeyan
Special Government Pleader (for R1)

: Mr.M.Tamizharasan
Additional Government Pleader (for R2)

: M/s.G.Sumitra (for R3)

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to register the documents that are presented by the petitioner in accordance with the guidelines given by the Division Bench in Sudha Ravikumar and another Vs. Special Commissioner and Commissioner of HR & CE Department, Chennai-34 and others.

2. The case of the petitioner is that he is the owner of the property and the documents that are submitted by him to the second respondent are not being registered on the ground, an objection has been given by the third respondent/temple. Left with no other option, the present Writ Petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the third respondent does not have any right over the property and the objections made by the third respondent is unsustainable. The learned counsel further submitted that the Division Bench of this Court in Sudha Ravikumar and another Vs Special Commissioner and Commissioner of HR & CE Department, Chennai-34 and others reported in 2017(3)CTC 134 has given guidelines to the Revenue Department to deal with cases of this nature. Therefore, the second respondent must be directed to entertain the documents presented by the petitioner in accordance with those guidelines.

4. The learned Additional Government Pleader appearing on behalf of the second respondent submitted that the petitioner has not presented any document for registration and as and when the same is presented, the same will be dealt with in accordance with the guidelines given by the Hon'ble Division Bench.

5. The learned counsel appearing on behalf of the third respondent submitted that the temple is the owner of the property and that the petitioner does not have any right over the property and the petitioner has sought for a omni bus prayer before this Court. The learned counsel further submitted that the third respondent being the owner of the property, has given objections to the second respondent and therefore, the same has to be considered before any decision is taken by the second respondent.

6. This Court has carefully considered the submissions and perused the materials available on record.

7. To deal with cases of this nature, Division Bench of this Court in the judgment referred supra has given specific

guidelines. Even recently, the said Division Bench judgment was relied upon by this Court in W.P.Nos.28291 and 28295 of 2019 and by an order dated 26.09.2019, a direction was issued to the registering authority to follow the guidelines scrupulously.

8. In view of the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to deal with the issue of registration, as and when document is presented by the petitioner, strictly in accordance with the directions given by the Division Bench, which has been referred supra.

9. This Writ Petition is disposed of with the above directions. No Costs.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

mpa

To

- 1.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Coimbatore.
- 2.The Joint Sub Registrar II
Tiruppur.
- 3.The Executive Officer,
Arulmighu Vishweswarasamy
and Veeraragaghava Perumal Temple,
Tiruppur.

+1 CC to Govt. Pleader sr 19784.

+1 CC to Mr.S.Gajapathikrishnan, Advocate sr 19171.

+1 CC to The Special Government Pleader(HR & CE) sr 19871.

+1 CC to M/s.G. Sumitra, Advocate sr 18984.

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SP(09/03/2020)