



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23946 of 2021

and

W.M.P.No.25268 of 2021

Subramanian ... Petitioner

Vs

1. The Registrar,  
Office of the Registrar,  
Dharmapuri - 636 701.
2. The Sub Registrar,  
Sub Registrar Office,  
Palacode - 636701.
3. The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Dharmapuri - 636 701. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the order in 98/2021 dated 06.08.2021 on the file of the second respondent quash the same as illegal, irregular and without jurisdiction and further direct the second respondent to register the settlement deed dated 04.08.2021 executed by the petitioner for the property in Survey No.534/2F, Papparapatti, Dharmapuri, without insisting on a No-Objection Certificate from the HR & CE Department.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Yogesh Kannadasan  
Government Advocate



## ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the order in 98/2021 dated 06.08.2021 on the file of the second respondent and quash the same as illegal, irregular and without jurisdiction and further direct the second respondent to register the settlement deed dated 04.08.2021 executed by the petitioner for the property in Survey No.534/2F, Papparapatti, Dharmapuri, without insisting on a No-Objection Certificate from the HR & CE Department.

2. The case of the petitioner is that the property comprised in Survey No.534/2F1A was obtained by the registered partition deed Document No.1 of 2009 by the petitioner. He was also issued patta in Patta No.2459. The petitioner intended to settle the property in favour of his son by the settlement deed dated 04.08.2021. The said settlement deed was presented for registration before the second respondent. However, the second respondent has kept the document in abeyance. Thereafter, he came to understand that the second respondent has sought for a clarification from the HR & CE Board, through the proceedings No.98 of 2021 dated 06.08.2021.

3. On a perusal of the said proceedings dated 06.08.2021, it reveals that the land comprised in S.Nos.530/1, 534/1 and 534/2 belonged to Arulmigu Subramaniaswamy Thirukoil, Papparapatti, Dharmapuri District and as such, they filed a protest petition not to register any document in respect of the land comprised in those survey numbers. Further, it reveals that the patta stood in the name of the petitioner and as such, there was a query raised before the third respondent.

4. The learned Government Advocate appearing for the respondents submitted that the patta was issued in favour of the petitioner and others, which is under challenge before the District Revenue Officer, Dharmapuri and the property in question is a temple property under control of the third respondent and the proceedings in that regard are pending. The third respondent also filed the protest petition before the second respondent not to register any document in respect of the land comprised in those survey numbers.

5. Considering the above facts and circumstances, the second respondent is directed to conduct enquiry, after issuance of the notice to the petitioner and after giving opportunity of hearing to him, pass orders with regard to the registration of the



settlement deed, which was presented for registration by the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

kv  
To

1. The Registrar,  
Office of the Registrar,  
Dharmapuri - 636 701.
2. The Sub Registrar,  
Sub Registrar Office,  
Palacode - 636701.
3. The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Dharmapuri - 636 701.

+1cc to M/s.V.Raghavachari, Advocate Sr.57755  
+1cc to the Government pleader Sr.57848  
+1cc to the Special Government pleader Sr.57737

W.P.No.23946 of 2021

pmk[col]  
srg 01/12/2021