



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.25819 of 2019

Mr. K.R. Vaithiyanathan,

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Endowment Board,
Mahatma Gandhi Road, Nungambakkam,
Chennai - 600 034.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 032.
3. The Sub-Registrar,
Cheyyur Sub-Registration Office,
Cheyyur - 603 302.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue suitable orders to the 3rd respondent to release the sale deed dated 24.08.2018 and 08.03.2019 executed by the petitioner herein in favour of V.Munusamy & A Beno Marsalin Agustin in respect of the properties conveyed by the petitioner herein taking into consideration the orders of the proceedings by the officers of the 1st respondent dated 27.06.2019.

For Petitioner :: Mr.P.R. Krishnaraj

For Respondent-1 :: Mr. M. Karthikeyan

(Spl. Govt. Pleader)

For Respondents 2&3 :: Mr.V. Veluchamy
(Government Advocate)



O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue suitable orders to the 3rd respondent to release the sale deed dated 24.08.2018 and 08.03.2019 executed by the petitioner herein in favour of V.Munusamy & A Beno Marsalin Agustin in respect of the properties conveyed by the petitioner herein taking into consideration the orders of the proceedings by the officers of the 1st respondent dated 27.06.2019 and pass orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the 1st respondent and the learned Government Advocate for the respondents 2 & 3 as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that the sale deeds in respect of the petitioner's property executed in favour of Mr. V.Munusamy and Mr.Beno Marsalin Augustin have been kept pending in the 3rd respondent since no objection certificate has not been issued by the 1st respondent herein. While being so, it is to be noted that the Assistant Commissioner, HR&CE, Kumbakonam Zone has recommended to the 1st respondent herein by his letter reference No.Na.Ka.No.10340/2018/A7/ dated 26.06.2019, to issue a suitable letter of No objection after conducting an enquiry in this regard and confirmed that Esaniya Sivachariar Madam is not a religious institution. Further, a letter reference No.10340/2018/A7 Dated 05.12.2020 has been sent to the 1st respondent having enclosed all the details in this regard. However, the 1st respondent has neither passed any order nor reply on the aforesaid letters sent by the Assistant Commissioner, HR&CE, Kumbakonam. Under such circumstances, this Court without expressing any opinion with regard to the merits of the case, directs the 1st respondent to pass appropriate orders on this issue within a period of sixteen weeks from the date of receipt of copy of this order in accordance with law.

4.In the result, the Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



Lbm

To:

- 1.The Commissioner,
Hindu Religious and Endowment Board,
Mahatma Gandhi Road, Nungambakkam,
Chennai - 600 034.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 032.
- 3.The Sub-Registrar,
Cheyyur Sub-Registration Office,
Cheyyur - 603 302.

+lcc to Mr.P.R.Krishnaraj, Advocate SR. No.57511
+lcc to Government Pleader SR. No.57037

W.P.No.25819 of 2019

VBM (CO)
PR (29/12/2021)