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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6722 of 2020

Shanmugapriya

... Petitioner

-Vs-

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tirupur.
2. The Inspector,
H.R. and C.E. Department,
Dharapuram,
Tirupur District.
3. The Sub-Registrar,
Office of the Sub-Registrar,
Dharapuram,
Tirupur District.
4. "SRI RAMAKRISHNA SEVAASHRMAM"
Represented by its President,
Shri.Swami Aathmaanadha,
Pasupathipalayam, Karur Town,
Karur District.

Now At:

Shri. Swami Aathmaanadha,
Sri Sarada Niketan College of Arts And
Science For Women,
Dakshineswarm, Kanavaipudur PO,
Kadayampatti Taluk,
Salem District - 636354.

(R4 impleaded as per order dated
16.04.2021 made in
W.M.P.No.3159 of 2021 in
W.P.No.6722 of 2020)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to release the withhold registered Power Deed in No.47/2018 dated 31.07.2018 based on



the report from the second respondent which submitted to the first respondent within reasonable time.

For Petitioner : M/s.A.M.Amutha Ganesh

For R1 and R2 : Mr.S.Yashwanth
Additional Government Pleader (HR and CE)

For R3 : Mr.Yogesh Kannadasan
Special Government Pleader

For R4 : Mr.M.Selvam

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to release the withhold registered Power Deed in No.47 of 2018, dated 31.07.2018 based on the report from the second respondent which submitted to the first respondent within reasonable time.

2. Heard M/s.A.M.Amutha Ganesh, learned counsel appearing for the petitioner, Mr.S.Yashwanth, learned Additional Government Pleader (HR and CE) appearing for the respondents 1 and 2, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the third respondent and Mr.M.Selvam, learned counsel appearing for the fourth respondent.

3. The land comprised in Punjai Re-Survey Nos.28/1, 28/2, 28/3, 29/1 and 29/3, measuring Acre 9.89, Acre 1.89, Acre 0.60, Acre 1.15, Acre 1.15 and Acre 3.15, were owned by the fourth respondent by the registered sale deed, dated 07.06.1990, registered vide Document No.2021 of 1990. The fourth respondent was issued patta in Patta No.1329. Since, the fourth respondent cannot able to deal with the property, the fourth respondent executed a Power of Attorney in favour of the petitioner, dated 31.07.2018 and presented for registration before the third respondent. Though, it was registered as Document No.47 of 2018, it is with held by the third respondent.

4. Thereafter, the petitioner made a representation to release the Power of Attorney document and the petitioner was informed that the first respondent submitted a protest petition, not to register any deed of conveyance in respect of the subject property owned by the fourth respondent.

5. A perusal of the communication, dated 04.12.2018 on the file of the first respondent stated that, on receipt of the report from the second respondent, the fourth respondent trust is not coming in the purview of the first respondent and it is a



private trust. Being so, the first respondent has no locus to submit any protest petition objecting any deed of conveyance in respect of the property owned by the fourth respondent.

6. In view of the above, the third respondent is directed to release the Power of Attorney deed, registered vide Document No.47 of 2018, dated 31.07.2018 forthwith, in favour of the petitioner.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mn

To

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tirupur.
2. The Inspector,
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Dharapuram,
Tirupur District.
3. The Sub-Registrar,
Office of the Sub-Registrar,
Dharapuram,
Tirupur District.
4. The President,
"SRI RAMAKRISHNA SEVAASHRMAM"
Shri.Swami Aathmaanadha,
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Now At:

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Salem District - 636354.



+3ccs to M/s.A.M.Amutha Ganesh, Advocate SR.No.7286, 7282

+1cc to Government Pleader SR.No.8038, 7791

W.P.No.6722 of 2020

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MT (CO)

GMV (02/03/2022)