



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.11819 of 2020 and
WMP.Nos.14530 & 14531 of 2020

1.Jayakumar
2.B.Santhakumari
represented by power of attorney
agent J.Ashok

... Petitioners

Vs

1. The Commissioner,
Hindu Religious &
Charitable Endowment Board,
Nungambakkam High Road,
Nungambakkam,
Chennai 600 034

2. The Executive Officer,
A/M Padaleeswarar Thirukkoil,
Thiruppadiripuliyur,
Cuddalore 607 002

3. The Sub Registrar,
Joint II, Cuddalore,
Thiruppadiripuliyur,
Cuddalore 607 002

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to register any of the documents presented for registration in respect of plots situate in PRS Nagar, Koothapakkam, Cuddalore Taluk, Cuddalore District bearing S.Nos.5/1, 5/2A, 5/2B, 5/3, 5/4, 6/1B1, 6/1B2, 6/1B3C and 6/1C Ac.12.52 in Koothapakkam Village, Kurinjipadi Taluk, Cuddalore District.

For Petitioners	: Mr.R.Gururaj
For Respondents	
For R1 & 2	: Mr.T.Chezhian, Additional Government Pleader (HR&CE),
For R3	: Mr.Yogesh Kannadasan, Special Government Pleader



ORDER

This writ petition is filed for direction directing the third respondent to register any of the documents presented for registration in respect of plots situate in PRS Nagar, Koothapakkam, Cuddalore Taluk, Cuddalore District bearing S.Nos.5/1, 5/2A, 5/2B, 5/3, 5/4, 6/1B1, 6/1B2, 6/1B3C and 6/1C Ac.12.52 in Koothapakkam Village, Kurinjipadi Taluk, Cuddalore District.

2. The case of the petitioners is that the petitioners owned property in survey No.5/3 to an extent of 0.69.5 hectares situated at Koothapakkam Village, Cuddalore by way of Will executed by Muthusamy Pillai dated 21.06.1989. Thereafter, the petitioners formed layout known as PRS Nagar and it covers a total extent of land of 12.52 acres comprised in S.Nos.5/1, 5/2A, 5/2B, 5/3, 5/4, 6/1B1, 6/1B2, 6/1B3C and 6/1C situated at Koothapakkam Village, Kurinjipadi Taluk, Cuddalore District. The division of the said property made into 293 house plots and they filed application for approval of their layout and it was granted on 18.06.2018. Though the property comprised in survey No.5/3 to a extent of 0.69.50 hectares belongs to them, the predecessors of the said property were not granted patta. As per the approved plan, the said property is left for public purpose as park, road and other purposes. However, the said property stands in the name of Pidari Amman Temple and the said temple is under the control of respondents 1 and 2 herein. Therefore, the second respondent raised objections before the third respondent not to register any document in respect of the property comprised in survey No.5/3 to an extent of 0.69.50 hectares.

3. Considering the above, if any of the document presented for registration by the petitioners in respect of the lands comprised in survey Nos.5/1, 5/2A, 5/2B, 5/3, 5/4, 6/1B1, 6/1B2, 6/1B3C and 6/1C Ac.12.52 in Koothapakkam Village, Kurinjipadi Taluk, Cuddalore District, the third respondent is directed to issue notice to the petitioners and the second respondent and conduct enquiry on the objections raised by the second respondent and, after giving them opportunity of hearing, pass orders either to register the same or to reject the same.

4. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

1. The Commissioner,
Hindu Religious &
Charitable Endowment Board,
Nungambakkam High Road,
Nungambakkam,
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2. The Executive Officer,
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Thiruppadiripuliyur,
Cuddalore 607 002.
3. The Sub Registrar,
Joint II, Cuddalore,
Thiruppadiripuliyur,
Cuddalore 607 002.

+1cc to the Government Pleader, S.R.No.2999

+1cc to the Government Pleader, (HR&CE) S.R.No.2841

WP.No.11819 of 2020

SPD(CO)
CT 31/01/2022