



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.5660 of 2022

Vivek

... Petitioner

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowments Department.
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 004.

2.The Sub Registrar,
The Registration Office,
Chittampatti, Othakadai,
Madurai.

3.Sivagangai Samasthanam Devasthanam,
Sivagangai

(R3 has been impleaded
vide order dated 30.03.2022)

... Respondents

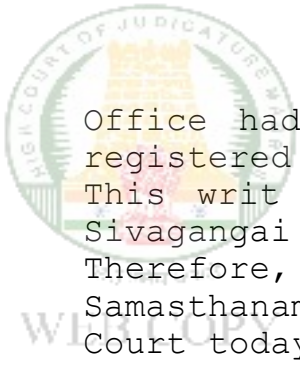
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to pas orders on the petitioner's representation seeking no objection certificate for registration of the petitioner's property in Survey Nos.27/1 and 27/2, Mangalakudi Village, Madurai within the time that maybe stipulate by this Court.

For Petitioner	: Mr.M.Mahaboob Athiff
For R1	: Mr.P.Suppuraaj Special Government Pleader
For R2	: Mr.S.Shanmugavel Additional Government Pleader
For R3	: Mr.S.Manohar

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the 1st respondent to pas orders on the petitioner's representation seeking 'No Objection Certificate' for registration of the petitioner's property in S.Nos.27/1 and 27/2 situated at Mangalakudi Village, Madurai.

2.It appears that the petitioner had presented the document for registration by virtue of the gift deed executed by his mother, namely Saraswathy, vide gift deed dated 08.08.2019 registered on the file of the 2nd respondent as Doc.No.4413 and 4414 of 2019. The petitioner claims that patta has also been issued in his name. When the petitioner presented the aforesaid document, the respondent



Office had raised objections stating that the property cannot be registered in view of the Section 22A of the Registration Act, 1908. This writ petition has been however filed without impleading the Sivagangai Samasthanam Devasthanam, Sivagangai as a necessary party. Therefore, for the purpose of issuing directions, Sivagangai Samasthanam Devasthanam, Sivagangai is *suo motu* impleaded by this Court today as 3rd respondent.

3.Mr.S.Manohar, learned counsel, who takes notice for the 3rd respondent, who has been *suo motu* impleaded today by this Court, submits that the writ petition is not maintainable as more than 50 suits are pending before the Sub Court, Madurai for declaration, permanent injunction and for cancellation of documents. It is therefore submitted that the request of the petitioner cannot be considered by the respondents.

4.I have considered the arguments advanced by the learned counsel for the petitioner, learned counsel for the official respondents and the learned counsel for the 3rd respondent.

5.The representation of the petitioner dated 10.11.2021 is directed to be considered and disposed of by the 1st respondent after hearing the objections of the 3rd respondent. This exercise shall be carried out by the 1st respondent within a period of 4 weeks from the date of receipt of a copy of this order.

6.The writ petition stands disposed of, in terms of the above observation. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department.
119, Uthamar Gandhi Road, Thousand Lights West,
Nungambakkam, Chennai 600 004.

2.The Sub Registrar,
The Registration Office,
Chittampatti, Othakadai,
Madurai.



+1 CC to M/s.S.MANO HAR, Advocate (SR-15608[F] dated 31/03/2022)

+1 CC to M/s.SPL GP (SR-15687[F] dated 31/03/2022)

W.P. (MD) No.5660 of 2022
30.03.2022

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