



W.P(MD)No.12620 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12620 of 2022

Kalyanasundaram

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.

2.Arulmigu Sankaranarayasamy Temple,
Represented by its
The Assistant Commissioner / Executive Officer,
Sankarankovil,
Tenkasi Distirct.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to accept the document for registration to be submitted by the petitioner with regard to Plot No.68, Door No.1199 and 1199A in NGO “B” Colony in Survey No.438A/1A1A, Re-Survey No.622/1, bearing Patta No.1591 situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District and register the same within a time frame fixed by this Court.



WEB COPY



W.P(MD)No.12620 of 2022

For Petitioner : Mr.RJ.Karthick
For R1 : Mr.K.S.Selva Ganesan
Additional Government Pleader
For R2 : Mr.VR.Shanmuganathan

ORDER

Heard the learned counsel on either side.

2. The petitioner proposes to present the document in respect of the petition mentioned plot. The petitioner apprehends that the first respondent will not accept the same on the ground that No Objection Certificate will have to be obtained from the second respondent. I expressed my view that the petition has been prematurely filed. It is clarified that when the petitioner presented a document in respect of the another plot in the same lay-out for registration, the first respondent issued a refusal check slip. He anticipates the same experience if the petition mentioned document is also presented for registration.

3. I find the apprehension of the petitioner to be legitimate. Notice was ordered to the respondents. The learned counsel appearing for the second respondent, on instructions, states that the property in question had already been permitted to be sold by the Commissioner and that therefore, the second respondent has no objection to consider the petitioner's request.



W.P(MD)No.12620 of 2022

WEB COPY

4. In view of the same, the first respondent is directed to accept the document to be presented for registration by the writ petitioner in respect of the petition mentioned plot, register and release the same. It is needles to add that the petitioner will have to comply with the other formalities.

5. The Writ Petition is allowed. No costs.

27.07.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.



WEB COPY



W.P(MD)No.12620 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.12620 of 2022

27.07.2022