

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.14243 of 2021

and

W.M.P(MD).Nos.11179 and 11180 of 2021

A.Rengaraj

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Dindigul,
Dindigul District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul,
Dindigul District.

3.The District Registrar,
O/o, The District Registrar,
Registration Department,
Palani,
Dindigul District.

4.The Sub Registrar,
O/o.The Sub Registrar,
Ottanchathiram,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records

pertaining to the impugned communication in Na.Ka.No.3089/2010 A3, dated 10.11.2016 by the 2nd Respondent addressed to the 3rd Respondent and quash the same as illegal in respect of the Petitioner's property mentioned at Serial Nos.5 and 6.

For Petitioner : Mr.S.Louis
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned communication, dated 10.11.2016 issued by the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Dindigul to the District Registrar, Registration Department, Palani, containing various survey numbers stating that those survey numbers belong to the temple and in the event of any documents being submitted for registration, the same may not be registered and it was further stated that in the event of registration have already been done in respect of the said survey numbers, the same may be intimated to the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Dindigul, 2nd Respondent herein.

2. It is submitted by the learned counsel for the Petitioner that he is the legal/lawful owner of the property referred to in Sl.No.5 and 6 of the impugned communication that he is in possession of relevant documents

which would show his title to the said property. Thus, the impugned communication is wholly illegal, bad and clearly in excess of jurisdiction of the 2nd Respondent.

3. It is submitted by the learned Special Government Pleader for the Respondents 1 to 4 that if the Petitioner submits his representation along with the relevant documents before the 2nd Respondent, the 2nd Respondent will consider and delete/remove the said survey number within a time frame that may be fixed by this Court. The learned counsel for the Petitioner submitted that he would file a representation with relevant documents.

4. Recording the above submission, the Petitioner is at liberty to submit his representation along with the supporting documents in support of his claim of being a lawful/legal owner of the property in respect of properties/survey numbers mentioned at Serial No.5 and 6 of the impugned communication, dated 10.11.2016. On such representation being made by the Petitioner, the 2nd Respondent is directed to consider the same. The 2nd Respondent shall grant reasonable opportunity to the Petitioner to prove his claim and shall pass appropriate orders on the Petitioner's representation

within a period of eight weeks from the date of receipt of copy of this order.

The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.09.2022

Index : Yes / No
Internet : Yes/ No
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To

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Dindigul District.

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MOHAMMED SHAFFIQ, J.

sn

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