



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17680 of 2022

M.Eswaravadivel

... Petitioner

Vs.

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

2. Arulmigu Sankaranarayanassamy temple,
Rep. By its,
The Assistant Commissioner / Executive Officer,
Sankarankovil,
Tenkasi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip in refusal No.RFL/Sankarankovil/35/2022 dated 03.08.2022 issued by the first respondent and quash the same as illegal and consequently direct the first respondent to register the document submitted by the petitioner with regard to plot No.71, Door No.5/668, in NGO 'C ' Colony in natham survey No.438A/1A1A, Re-survey No.619, New Re-survey No.751/8 situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District, within a time frame fixed by this Court.



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For Petitioner : Mr.R.J.Karthick

For R-1 : Mr.J.K.Jayaseelan,
Government Advocate.

For R-2 : Mr.V.R.Shanmuganathan,
Standing counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the first respondent and the learned Standing counsel appearing for the second respondent temple.

2. The petitioner presented the petition mentioned document for registration. On the ground that it belongs to the temple and that no objection certificate must be obtained, the impugned refusal check slip was issued. Challenging the same, this writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing counsel appearing for the temple submitted



that the property in question does not belong to the temple as on date. It is stated that permission was granted by the Commissioner of HR&CE long back and the property was also alienated. The temple is seized to have not interested in the property. Therefore, the ground on which the impugned refusal check slip was issued cannot hold good.

4. In this view of the matter, the impugned refusal check slip is quashed. This writ petition stands allowed. The petitioner is permitted to re-present the document before the first respondent. The first respondent shall entertain the same, register it and release it subject to fulfilment of the usual formalities. No costs.

05.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 08.08.2022.



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W.P.(MD)NO.17680 OF 2022

G.R.SWAMINATHAN,J.

PMU

To:

1. The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Tenkasi District.
2. Arulmigu Sankaranarayanamy temple,
Rep. By its,
The Assistant Commissioner / Executive Officer,
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