



W.P(MD)No.12706 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12706 of 2014

and

M.P(MD)Nos.1 & 2 of 2014

R.Dhanalakshmi

... Petitioner

Vs.

- 1.The Hindu Religious and Charitable
Endowment Department,
Represented by its Commissioner,
Nungambakkam, Chennai.
- 2.The Assistant Commissioner of Temples,
Office of Hindu Religious and
Charitable Endowment Department,
Tiruchirapalli.
- 3.The District Registrar,
Court Compound,
Tiruchirapalli-1.
- 4.The III Joint Sub Registrar,
Town Hall,
Tiruchirapalli-2.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent and quash the letter Na.Ka.100/2013, dated 06.03.2013, sent by the fourth respondent and consequently direct the third and fourth respondents to register the settlement deed executed by the petitioner for lands to an extent of 0.39 cents situated in S.No.4/1C and 1 acre situated in S.No.31A-1B2 at Muthurasanallur Village, Srirangam Circle, Tiruchirapalli District.

For Petitioner : M/s.K.Govindarajan
for Mr.R.Murali

For Respondents : M/s.S.Jeyapriya
Government Advocate

ORDER

The present Writ Petition has been filed challenging a communication of the fourth respondent herein to the second respondent calling for no objection certificate from him.

2. According to the learned Counsel for the petitioner, the land was allotted to her under Disposal of Surplus Land Rules under Tamil Nadu Act 58 of 1961 by way of an order, dated 08.12.2005. As per the said order of assignment, she cannot alienate the properties for a period



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of twenty years from the date of grant of assignment. The petitioner has also paid the relevant consideration for the said land by way of a challan, dated 08.12.2005 for a sum of Rs.3,800/-. According to the learned Counsel for the petitioner, she is aged more than 80 years and when she approached the fourth respondent for settling the property in favour of her son, the same was doubted by the fourth respondent herein, on the ground that the guideline valuation register reflects the name of the Hindu Religious and Charitable Endowment (HR&CE) Department. Hence, the fourth respondent has addressed the letter to the second respondent, seeking for clarification. However, the second respondent has not responded to the said letter. Thereafter, the present writ petition has been filed this writ petition to quash the said communication on the ground that the land belongs to the Government and it has been assigned in favour of the writ petitioner under Tamil Nadu Act 58 of 1961 and the second respondent has no jurisdiction whatsoever over the disputed lands.

3. The learned Government Advocate appearing for the respondents submits that there is no response from the second respondent, even in the present writ petition.



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4. As on today, the lands have been declared to be surplus lands in the hands of a third party and acquired by the Government under Tamil Nadu Act 58 of 1961. As per Section 18(3) of the Tamil Nadu Act 58 of 1961, the lands are deemed to have been acquired for a public purpose and vested in the Government free from all encumbrances. In view of the above said statutory provision, the second respondent cannot have any grievance over the said acquisition proceedings or vesting of the property in the Government. In case, if the second respondent has got any grievance of the deemed acquisition or vesting of the property in the Government, it is for him to take up the issue with the first respondent herein.

5. In view of the above said facts, the communication of the fourth respondent to the second respondent is not legally sustainable. The order stands quashed. However, registration of the any document by writ petitioner in favour of any one shall be subject to the conditions under Rule 9 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.



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6. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

20.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.12706 of 2014

20.09.2022