



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26631 of 2022

Noah Pitchaiah Samuel

..Petitioner

Vs

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

2.Arulmighu Sankaranarayansamy Temple,
represented by the Assistant Commissioner/
The Executive Officer,
Sankarankovil,
Tenkasi District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to accept the document for registration to be submitted by the Petitioner with regard to plot No.33 in S.No.438A/1A1A, Re survey No. 620/1 in NGO A Colony measuring 4050 sqft bearing Patta No.863, situated at Kalappakulam Village, Sankarankovil Taluk, Tenkasi District and register the same within the time frame fixed by this Court.

For Petitioner :Mr.R.J.Karthick

For Respondent-1:Mr.K.S.Selvaganesan
Addl.Govt.Pleader

For Respondent-2:Mr.VR.Shanmuganathan

**ORDER**

WEB COPY

The Petitioner has prayed for issuance of a Writ of Mandamus directing the first respondent to accept the document for registration to be submitted by the Petitioner with regard to plot No.33 in S.No.438A/1A1A, Re survey No.620/1 in NGO A Colony measuring 4050 sqft bearing Patta No.863, situated at Kalappakulam Village, Sankarankovil Taluk, Tenkasi District and register the same within the time frame fixed by this Court.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the first respondent and Mr.VR.Shanmuganathan, learned counsel takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the land in S.Nos.622/1, 622/2,622/3, 618/18, 619, 620/1, 621/1 in Kalappakulam Village, Tirunelveli District(Now Tenkasi District) measuring a total extent of 38.88 acres originally belongs to the second respondent temple.The above said lands were given as service maniam to Poojamurai Bhattars and pattas were granted in their name under the Minor Inam Abolition Act, 30 of 1963 on condition that the pooja should be done continuously for enjoying the properties. The Bhattars sold the above said lands to the NGGO's and other Public Servants Cooperative Buildings Society Limited, No.MDA



HSG.2, Sankarankovi, without getting prior sanction from the Commissioner, Hindu Religious and Charitable Endowments Department as required under Section 34 of the Act. Challenging the same, a suit was came to be filed and it was decreed in favour of the temple and against which an appeal was filed by the Bhattars and the society. Pending appeal, there was a compromise that the lands may be sold to the society and the sale amount may be deposited to the credit of the temple. Whiles, the prayer mentioned plot was sold in favour of the Petitioner's mother, she in-turn had constructed a house. The father and mother of the Petitioner died on 21.2.2017 and 17.7.1983. The Petitioner's sisters have executed a release deed in favour of the Petitioner and hence the Petitioner became the absolute owner of the said house property. When the same was presented for registration, it was refused stating to obtain No Objection from the temple. Already the temple has granted no objection to the same. In this regard, the Petitioner has also submitted a representation on 10.10.2022 to the first respondent and the earlier writ Petitions filed by other parties were ordered directing the first respondent to register the said lands. Hence the Petitioner has filed this Writ Petition for the relief stated supra.

4. The learned counsel appearing for the second respondent temple expressed his no objection for registering the Petitioner's land as sought for in the Writ Petition.



5. In view of the above submission, the Petitioner is directed to get proper 'No Objection Certificate' from the second respondent temple in respect of the subject matter property and submit the same and after completing all the formalities, the first respondent is directed to consider the representation of the Petitioner, dated 10.10.2022 submitted in this regard and if it is acceptable for registration, pass appropriate orders on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs.

25.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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



WEB COPY



5

V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN
W.P(MD)No.26631 of 2022

25.11.2022



WEB COPY





WEB COPY





WEB COPY





WEB COPY





WEB COPY

