



W.P.No.9457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.9457 of 2023

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... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai 600 028
2. The District Registrar,
Krishnagiri District.
3. The Sub Registrar,
Office of Sub Registrar, Hosur,
Krishnagiri District.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department (HR & CE),
1/304-4, Rajaji Nagar, 3rd Cross street,
Royakottai Road,
Krishnagiri 635 002



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5. Arulmighu Kothadaswamy Temple,
Arulmighu Kameswarar Temple &
Arulmigu Anjaneyaswamy Temple,
Rep by its Executive Officer,
Deveerapalli Village,
Hosur Talul, Krishnagiri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation dated 11.01.2023 and consequentially directing the third respondent to register all documents presented by the petitioner with respect to the lands of the petitioner situated at Pichugondapalli, Hosur Taluk, Krishnagiri District, comprised in S.Nos.19,20/1. 20/2, 22, 23, 23/1.

For Petitioner	:	Mr.P.Subba Reddy
For RR 1 to 3	:	Mr.Yogesh Kannadasan, Additional Government Pleader
For RR 4 & 5	:	Mr.K.Karthikeyan, Government Advocate.

ORDER



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This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation dated 11.01.2023, within a stipulated time.

2. Mr.Yogesh Kannadasan, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and Mr.K.Karthikeyan, learned Government Advocate, takes notice for the respondents 4 & 5. By consent of both sides counsel, this Writ Petition is taken up for passing orders at the stage of admission itself.

3. It is averred in the writ petition that the petitioner is the absolute owner of the property measuring an extent of about Acre 23.68 cents, having purchased the same along with one Lincoln Abraham, through five sale deeds. The revenue records have also been mutated accordingly and patta No.109 stands in the joint names of the petitioner and the said Lincoln Abraham. Thereafter, the petitioner and the said Lincoln Abraham were in possession and enjoyment of the property ever since the date of sale.

4. To the shock and surprise of the petitioner, when he approached the third respondent for sale of his property during December 2022, based on the



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claim made by the fifth respondent herein, who had orally instructed the third respondent not to permit any registration, classifying the property as 'restricted area', it was informed by the third respondent that, 'alienations will not be permitted' and had prevented the sale of the petitioner's property.

5. The petitioner would further submit that when patta was issued in favour of the petitioner in the year 2019, the fourth respondent has preferred an appeal before the second respondent challenging the issuance of patta. Thereafter, the second respondent passed an order on 20.12.2019 stating that the fifth respondent has no evidence to prove that the Temple is having right over the petitioner's property. Pursuant to the same, the fifth respondent has filed an appeal before the Land Administration Department, Chepauk, Chennai 600 005 and an order came to be passed on 29.09.2021, whereby it was held that the claim made by the fifth respondent cannot be accepted and had directed the fifth respondent to approach the Civil Court for further grievance.

6. According to the learned counsel for the petitioner, the Commissioner of Land Administration Department, Chepauk has passed the order on



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29.09.2021 and even after a lapse of about one year, the fifth respondent has not preferred any suit against the said decision. In continuance of the same, the petitioner made a representation on 11.01.2023 requesting the first respondent to issue suitable direction to the third respondent to remove any such entry. Till date, the respondent Authorities have not considered the representation of the petitioner. Therefore, the present Writ Petition has been filed for a direction to the respondents to act upon the representation.

7. Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing on behalf of the respondents 1 to 3 submitted that eight weeks time may be stipulated to the respondents to consider the request of the petitioner and for passing necessary orders.

8. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 11.01.2023 and act on the petitioner's representation in accordance with law, if it is otherwise in order, within a period of eight (08)



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weeks from the date of receipt of a copy of this order.

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9. With the above direction, the Writ Petition is disposed of. No costs.

28.03.2023

sts

Index: Yes/ No

Internet: Yes/No

Speaking / Non-Speaking Order

To:

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No.100, Santhome High Road,
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2. The District Registrar,
Krishnagiri District.
3. The Sub Registrar,
Office of Sub Registrar, Hosur,
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4. The Assistant Commissioner,
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Department (HR & CE),
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Royakottai Road, Krishnagiri 635 002

5. The Executive Officer,
Arulmighu Kothadaswamy Temple,
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J.NISHA BANU, J.,

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Order made in
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Dated:
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