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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.13674 of 2023

The Central University of
Tamil Nadu
Through its Registrar
Thiruvavarur.

.. Petitioner

vs.

1. The State of TamilNadu
represented by its
Principal Secretary to Government
Hindu Religious and
Charitable Endowments Department
Fort. St. George Chennai.
2. The Commissioner
Hindu Religious and Charitable Endowments
Department, Nungambakkam High Road
Chennai.
3. The Joint Commissioner
Hindu Religious and Charitable Endowments
Department, Nagapattinam.
4. The District Collector
Thiruvavarur.
5. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Department, Thiruvavarur.
6. The Executive Officer
Rajan Kattalai
Arulmighu Thiagarajaswamy Thirukoil
Thiruvavarur.



7. The Executive Officer
Ulthurai Kattalai
Arulmighu Thiagarajaswamy Thirukoil
Thiruvavarur.

8. The Executive Officer
Abhisheka Kattalai
Arulmighu Thiagarajaswamy Thirukoil
Thiruvavarur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant permission/NOC for execution of the sale deed in respect of the lands in Neelakudi and nagakudi Villages in Nannilam Taluk in Thiruvrur District measuring 286.98 acres as per the proposal submitted by the 3rd respondent to the 2nd respondent dated 10/12/2022 in Na.Ka.No.10663/2022/E1 allotted to the petitioner University for establishing the petitioner University and also to execute sale deeds accordingly and also to mutate the revenue records for the said lands in favour of the petitioner University.

For Petitioner : Mr.Vr.Shanmuganathan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
for R2, R3, R5 to R8

Mr.A.M.Ayyathurai
Government Advocate
for R1, R4

ORDER

This writ petition was filed for a direction to the respondents to grant permission/no objection certificate for execution of the sale deed with respect to the



subject property as per the proposal submitted by the 3rd respondent to the 2nd respondent through proceedings dated 10.12.2022.

2. When the writ petition came up for admission on 28.04.2023, this Court passed the following order:

Mr.N.R.R.Arun Natarajan, learned Special Government Pleader takes notice for R2, 3, 5 to 8 and Mr.A.M.Ayyathurai, learned Government Advocate takes notice for R1, R4.

2. It is seen from records that the State of Tamil Nadu decided to acquire lands and accordingly, 516.76 acres of lands were identified in Thiruvarur District. Some of these lands belonged to religious institutions administered by the HR&CE Department. The lands were acquired through private negotiations and accordingly, 229.78 acres was transferred to the name of the petitioner university. The remaining lands that is 286.98 acres belonging to some of the Kattalais are yet to be transferred to the petitioner University. The lands have already been handed over to the University.

3. The grievance of the petitioner is that the respondents must grant permission / No objection certificate for the execution of the sale deed with respect to 286.98 acres of land as per the proposal submitted by the 3rd respondent to the 2nd respondent through proceedings dated 10.12.2022 and thereafter, sale deeds must be executed in favour of the petitioner university and appropriate mutations must also take place in the revenue records. Since no decision was taken in this regard, the present writ petition has been filed by the University.



4. *The learned Special Government Pleader appearing on behalf of respondents 2, 3, 5 to 8 seeks for some time to take instructions and get a clarification with regard to the order passed by the Division Bench in suo-motu WP No.574 of 2015 dated 07.06.2021.*

5. *Post this case under the caption "For orders" on 13.06.2023.*

3.The writ petition was once again listed for hearing on 13.06.2023, and this court passed the following order:

Pursuant to the earlier order passed by this Court on 28.04.2023, the matter was posted for hearing today.

2.*The learned Special Government Pleader brought to the notice of this Court the order passed by the Division Bench in Rev.Appl.Nos.169 and 170 of 2021, dated 02.06.2023. The learned Special Government Pleader specifically relied upon Paragraph No.16 of the judgment.*

3.*The learned counsel for the petitioner submitted that the views of all the three Kattalais viz., respondents 6 to 8 were heard and thereafter, the report was placed before the Commissioner and the Commissioner considered the same and also satisfied himself that the alienation is beneficial to the interest of the temple and thereafter, it was placed before the Government and the Government Order was passed by the 1st respondent in G.O.Ms.No.221, dated 10.09.2014. The learned Counsel for the petitioner further submitted that one of the Kattalai (6th respondent) challenged the Government Order in W.P.No.32619 of 2014 and this writ petition was disposed of by this Court by an*



order dated 23.03.2023 and the Government Order was not interfered. Hence, the learned counsel for the petitioner University submitted that the alienation is in line with the observations made by the Division Bench in the review application and consequently, the respondents must be directed to give No Objection Certificate for execution of Sale Deed for the lands measuring an extent of 286.98 acres that has been allotted to the petitioner for establishing the petitioner University.

4.The learned Special Government Pleader submitted that final orders can be passed in this writ petition and in the meantime, an affidavit will be filed by the 1st respondent taking note of the observation made by the Division Bench in the Review Application and the same may be considered while passing the final orders. The learned Special Government Pleader sought for some time in this regard.

5.Post this writ petition under the caption 'For Orders' on 28.06.2023. In the meantime, the 1st respondent is directed to file the affidavit and an advance copy of the same shall also be furnished to the learned counsel for the petitioner.

4.When the matter was taken up for hearing today, the learned Special Government Pleader submitted that the 2nd respondent will take into consideration the order passed by the Division Bench in the review application and will deal with the representation made by the petitioner seeking for permission/no objection certificate for execution of sale deed.



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5. In the considered view of this Court, the 2nd respondent was not in a position to arrive at a conclusion regarding the request made by the petitioner since at that point of time, there was no clarity on the order passed by the Division Bench in WP.No.574 of 2015 and the review applications were also pending. Subsequently, the final orders were passed in the review applications on 02.06.2023. In view of the same, there is more clarity for the 2nd respondent to deal with the request made by the petitioner seeking for permission/no objection certificate for the execution of the sale deed with respect to the subject property.

6. This Court has already taken into account the fact that the transfer of property in favour of the petitioner was made pursuant to the order passed by the Government. That apart, the Government Order was put to challenge and this Court did not interfere with the Government Order. It must be kept in mind that the petitioner is the Central University of Tamil Nadu which has already acted upon the Government Order and the lands have been put to use. In view of the clarity given by the Division Bench in Review Application Nos.169 and 170 of 2021, this Court finds that the 2nd respondent can go ahead and consider the request made by the petitioner for permission/no objection certificate and grant the same. This process shall be completed by the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order.



7.This writ petition is disposed of in the above terms. No costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

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To

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