



WEB COPY



W.P. (MD) No. 4221 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 4221 of 2023

K.Pankajam

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvanaikovil,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the respondents to issue No Objectin Certificate pertaining to the petitioner's property comprised in S.No.2163/1A Municipal Ward No.2, Block No.48, Srirangam, Trichy by considering the petitioner representation dated 17.01.2023 within the time stipulated by this Court.

For Petitioner : Mr. B.Jameel Arasu

For Respondents : Mr. T.Villavan Kothai,
Additional Government Pleader



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ORDER

Heard Mr. B.Jameel Arasu, Learned Counsel for the Petitioner and Mr. T.Villavan Kothai, Learned Additional Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the owner of the land in Plot No. 22, comprised in T.S. No. 2163/1A part at Municipal Ward No.2, Block No.48, Srirangam, Trichy, but in the revenue records it has been entered as if the said property belongs to the Hindu Religious and Charitable Endowments Department. In that backdrop, she has made a representation dated 17.01.2023 to the Respondents seeking 'No Objection' certificate for registering a document executed by her in respect of the said property and as no action has been taken thereon, she has filed this Writ Petition.

3. At this juncture, reference must be made to the manner in which a claim made by religious institutions under Section 22-A of the Registration



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Act, 1908 (as amended in the State of Tamil Nadu) has to be dealt by the

Registering Authority as held by the Division Bench of this Court in ***Sudha***

Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai [(2017) 3

CTC 135]. If the said procedure has not been followed, it is for the aggrieved party to work out her remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to entertain any Writ Petition seeking to direct the Hindu Religious and Charitable Endowments Department to grant 'No Objection' certificate as sought by the Petitioner in this case. In view of the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has also made an endorsement to that effect in the court record. It is needless to clarify that no view has been expressed on the merits of the controversy involved in the matter.



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4. In fine, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

11.01.2023

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NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 10.05.2023.

To

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai.
- 2.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvanaikovil, Trichy.



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P.D.AUDIKESAVALU,J.

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11.01.2023