



W.P.(MD) No.5095 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5095 of 2023

and

W.M.P.(MD) No.4792 of 2023

Solaman

.. Petitioner

Vs.

1.The District Registrar,
Kanyakumari District,
Nagercoil.

2.The Sub Registrar,
Karungal Registration Office,
Karungal, Kanyakumari District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department (HR & CE),
Nagercoil, Kanyakumari District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka. No.3054/2021/A3 dated 09.09.2021 and quash the same and consequently direct the 3rd respondent to issue NOC to the



W.P.(MD) No.5095 of 2023

petitioner in respect of his Patta land in Sy. No.397/12 in Paloor Village, Killiyoor Taluk, Kanyakumari District measuring an extent of 8½ cents, on the basis of the petitioner's representation dated 07.07.2021 within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned proceedings issued by the 3rd respondent in Na.Ka.No.3054/2021/A3 dated 09.09.2021 and consequently direct the 3rd respondent to issue NOC to the petitioner in respect of his Patta land in Sy.No.397/12 in Paloor Village, Killiyoor Taluk, Kanyakumari District, measuring an extent of 8½ cents, on the basis of the petitioner's representation dated 07.07.2021.

2. It is the case of the petitioner that the property bearing S.No.397/12 (Old S.No.6481) in Paloor Village, Killiyoor Taluk, Kanyakumari District, measuring an extent of 8½ cents is his absolute property, he having purchased the same under a registered sale deed



W.P.(MD) No.5095 of 2023

dated 18.02.2000. His predecessor in title Raghavelu had purchased the aforesaid land from Thangaiah, Subramanian and Chinnathambi, who are the sons of Velayutha Vaithiyar under registered sale deed dated 26.10.1970 on the file of the Sub Registrar's Office, Munchirai. From the date of the sale, the petitioner has been in exclusive possession and enjoyment of the property. Joint patta bearing Patta No.3174 was issued to him and land tax was also assessed in his name. The petitioner would submit that prior to his purchase, he has verified the A-Register, Survey Land Register (SLR) and encumbrance certificate and after obtaining necessary legal opinion, proceeded with the sale on being convinced that there is absolutely no claim to the said property. However, when the petitioner attempted to register the settlement deed, the second respondent had directed him to obtain 'No Objection Certificate' from the third respondent. The second respondent had not made it clear as to how the third respondent had a right to the said property. The impugned proceedings issued by the third respondent to the Commissioner, HR & CE Department was given to the petitioner, in which it is stated that the property in S.No.397/12 is shown as the 'Government Hindu Religious



W.P.(MD) No.5095 of 2023

Charitable Lands' from 09.06.2017. No document whatsoever had been produced to show as to how the third respondent claims right to the property more particularly when two earlier documents have been registered in the year 1970 and 2000 without there being any objection from the third respondent. Therefore, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. The learned Special Government Pleader appearing for the respondents would fairly admit that no document has been produced to show the nature of right of the 3rd respondent to the property, except the A-Register, in which several lands including the land in S.No.397/12 have been described as Government Land “Hindu Temple”,

5. The petitioner has been issued with joint patta in respect of the property in S.No.397/12. That apart, the A-Register which has been



W.P.(MD) No.5095 of 2023

issued to the petitioner would describe the property as a Ryotwari punja land. Despite all these documents, the second respondent failed to register the sale deed. Therefore, direction is issued to the second respondent to register the settlement deed within a period of two weeks from the date of receipt of a copy of this order and the petitioner shall produce all the relevant documents at the time of registration.

6. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The District Registrar,
Kanyakumari District,
Nagercoil.

2.The Sub Registrar,
Karungal Registration Office,
Karungal, Kanyakumari District.



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W.P.(MD) No.5095 of 2023

P.T.ASHA, J.

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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department (HR & CE),
Nagercoil, Kanyakumari District.

W.P.(MD) No.5095 of 2023

Dated: 10.03.2023