



WP(MD)No.16165 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.16165 of 2020

V.Uma

...Petitioner

/Vs./

1.The Special Commissioner and Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 14.

2.The Joint Commissioner,
Sri Renganathaswamy Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy.

3.The Sub Registrar,
Sub Registrar Office,
Srirangam, Trichy.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to register the Sale Deed dt. 03/12/2008 pending on the file of the 3rd respondent in pending Doc.No.P. 241/2008 without insisting No Objection Certificate from the 2nd respondent and release the same forthwith in considering the petitioners representation dt. 02.03.2020.

For Petitioner : Mr.M.Ajmalkhan

For Respondents : Mr.N.Ramesh Arumugam (R1)



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Government Advocate

Mr.M.Saravanan (R2)

Mr.K.S.Selvaganesan (R3)

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 3rd respondent to register the Sale Deed dated 03/12/2008 pending on the file of the 3rd respondent in pending Doc.No.P.241/2008 without insisting for No Objection Certificate from the 2nd respondent and release the same forthwith by considering the petitioner's representation dated 02.03.2020.

2. Heard Mr.M.Ajmalkhan, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the first respondent, Mr.M.Saravanan, learned counsel for the second respondent and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the third respondent.

3. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in WP(MD)No.4506 of 2021 dated 19.04.2021. For proper appreciation, relevant portion is extracted hereunder:-



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“This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to register the Sale Deed, dated 29.09.2009, without insisting for No Objection Certificate from the second respondent.

2.The second respondent has filed a Counter affidavit in this case and a specific stand has been taken by denying the right and title of the petitioner.

3.Heard Mr.M.Ajmalkhan, the learned counsel appearing for the petitioner and Mr.K.P.Narayanakumar, the learned Special Government Pleader, Mr.M.Saravanan, the learned counsel and Mr.K.Sathyasingh, the learned Additional Government Pleader appearing for the respondents 1,2 & 3 respectively.

4. In the present case, the document which was presented in the year 2009 has been resurrected in the year 2020, by directing the petitioner to obtain a No Objection Certificate from the second respondent. It is not known as to why the petitioner waited for nearly 11 years, without taking any action in this regard.

5.Now, that the second respondent has claimed right over the property, it is for the petitioner to go before the concerned Civil Court and seek for redressal. It will be too late in the day to direct the third respondent to conduct an enquiry and take a decision with regard to the registration of the Sale Deed. Except giving this liberty, no further orders can be passed in this Writ Petition.

6.This Writ Petition is disposed of accordingly. No costs.”



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4. In view of the above, this writ petition is disposed in the aforesaid terms. No costs.

05.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:

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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.16165 of 2020

Dated:
05.10.2023