



W.P.(MD).No.21843 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21843 of 2023

P.Poonkodi

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
N.S.Nager, Mullipparai,
Dindigul District.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Dindigul Bus stand (Opp),
Dindigul District.

4.The Tahsildar (Temple Land)
Hindu Religious and Charitable
Endowment Department,
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to direct the respondents 1 to 3 herein to issue No Objection Certificate (NOC) for registering the property in Survey No.68/1C1B to an extend of 12 cents, in survey No.68/1C2A to an extend of 2 acres 44 cents situated at Panniyamalai village, Naththam Taluk, Dindigul District, by considering the petitioner's representation dated 15.12.2022 and 22.05.2023 in accordance with law, within time stipulated by this Court.

For Petitioner : Mr.D.Balamuruga Pandi

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

This Writ petition is filed for Writ of Mandamus, to direct the respondents 1 to 3 herein to issue No Objection Certificate (NOC) for registering the property in Survey No.68/1C1B to an extend of 12 cents, in survey No.68/1C2A to an extend of 2 acres 44 cents situated at Panniyamalai village, Naththam Taluk, Dindigul District, by considering my representation dated 15.12.2022 and 22.05.2023.



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2. The contention of the petitioner is that originally the property in Survey No.68/1C1B, Survey No.68/1C2A and S.No.68/3A belongs to Periyakon, Palanikon and Gopalakrishnan. Thereafter, they sold the property to Karuppaiya Goundar. After the demise of the said Karuppaiya Goundar, his wife Palaniammal sold the property to one Rajeswari. Thereafter the said Rajeswari had sold the same to the petitioner on 17.06.2019, vide Document No. 153 of 2019. When the petitioner try to sell the property to conduct her daughter's marriage the respondents insisted to get no objection certificate. Then the petitioner submitted several representations to the respondents herein. The 1st respondent had directed the 4th respondent to submit a report, vide letter dated 06.04.2022, but thereafter the respondents have not acted on the representation. Hence the petitioner is before this court.

3. This Court without expressing any opinion on the claim of the petitioner, is directing the second respondent to consider the petitioner's claim and pass appropriate orders within a period of six months (6) from the date of receipt of a copy of this order. The petitioner shall submit the relevant records to substantiate the case. The respondents shall grant personal hearing for the petitioner.



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4. With these observations and directions, this Writ petition is allowed. There shall be no order as to costs.

Index : Yes / No

Internet : Yes

NCC : Yes / No

08.09.2023

Sml/Tmg

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S.SRIMATHY, J

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