



W.P.(MD).No.21451 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21451 of 2017

and

W.M.P.(MD).Nos.17717 and 17718 of 2017

A.Irudayaraj

... Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.

2.The District Registrar,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the communication dated 04.12.2015 issued by the first respondent to the second respondent in Na.Ka.No.3089/2010 A3, quash the same and further direct the first respondent to conduct an enquiry with respect to the title relating to S.No.31/5 of Kalikkampatti Village, Dindigul Taluk by giving opportunity to the petitioner.



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For Petitioner : Mr.S.Anand Chandrasekar,
For M/s.Sarvabhauman Associates.

For Respondents : Mr.R.Ragavendran,
Government Advocate.

ORDER

This Writ Petition is filed to quash the impugned communication dated 04.12.2015 and further direct the first respondent to conduct an enquiry in respect to the title relating to S.No.31/5 of Kalikkampatti Village, Dindigul Taluk by giving opportunity to the petitioner.

2. The contention of the petitioner is that the petitioner's father has purchased the land in question through sale deed dated 30.05.1949. Subsequently, the brothers of the petitioner had entered into the partition and the land in dispute is allotted to the petitioner. The petitioner has mutated the revenue records as well and it stands in the name of the petitioner. Even the SLR settlement register which was issued as early as 1959 also states that the land is in the name of the petitioner's father. In such circumstances, the first respondent without conducting any proper enquiry has instructed the second respondent not to register any sale deed in Survey No.31/5, since the same



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belongs to Karuppanasamy Temple. The petitioner cannot file a suit based on the said communication which is sent by the first respondent to the second respondent.

3. Therefore, in order to determine the rights of the petitioner as well as the Temple, the first respondent is directed to consider the petitioner's case and pass appropriate orders. The petitioner shall submit an objection to the first respondent within a period of four (4) weeks from the date of receipt of a copy of this order, along with the documents which he is relying on. Thereafter, the first respondent shall consider the case of the petitioner and pass orders within a period of eight (8) weeks therefrom.

4. In view of the observations and directions, this Writ Petition is allowed in above terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

- 1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dindigul.
- 2.The District Registrar,
Dindigul.



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S.SRIMATHY, J.

Nsr

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