



W.P.No.1892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 1892 of 2024

and

W.M.P.No.1983 of 2024

U.Kanagaraj

... Petitioner

versus

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam, Chennai – 600 034.

2.The Executive Officer,
A/m. Mariamman Vinayagar Temples,
Pitchampalayam,
Gandhi Nagar Post,
Tiruppur District – 641 603.

3.The Sub Registrar,
Nallur,
Tiruppur Taluk and District.

....Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of of Mandamus, directing the third respondent to register the document submitted by the petitioner in respect of the property bearing Plot No.16, Sri Bannari Amman Gardens Layout, Kangeyam Road, Tiruppur-641 606, comprised in S.No.228, Nallur Village, Tiruppur South Taluk, Tiruppur District, without insisting for any no objection letter from the respondents 1 and 2 and by accepting the Letter dated 18.08.2023 of the Tamil Nadu Hindu Religious and Charitable Endowment Department.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R1 and R2

Mr.R.Neethiperumal
Government Advocate for R3

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, directing the third respondent to register the document submitted by the petitioner in respect of the property bearing Plot No.16, Sri Bannari



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Amman Gardens Layout, Kangeyam Road, Tiruppur - 641 606, comprised in S.No.228, Nallur Village, Tiruppur South Taluk, Tiruppur District, without insisting for 'No Objection Certificate' from respondents 1 and 2 and by accepting the Letter dated 18.08.2023 of the Tamil Nadu Hindu Religious and Charitable Endowment Department (HR & CE).

2. The case of the petitioner is that he purchased the property in Plot No.16, measuring an extent of 1529 ½ sq.ft in S.No.228, Nallur Village, Tiruppur South Taluk, Tiruppur District under a registered sale deed, dated 15.12.2005, vide Doc.No.4895 of 2005 and he has also been issued with joint Patta in Patta No.487. Since then, he has been in possession and enjoyment of the aforesaid property. The further case of the petitioner is that he decided to put up a construction in the said land by obtaining loan from the financial institution, by mortgaging the property. While so, he approached the third respondent/Sub Registrar for registration of the



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Memorandum of Deposit of Title Deeds. However, the third respondent has stated that though the second respondent has sent an objection letter to the third respondent, claiming that the land in S.No.228 belongs to Arulmighu Sivamalai Vinayagar Temple and also requested the third respondent not to register any documents, as HR & CE Department has raised objections in such registration of the lands. Subsequently, based on the summons issued by the third respondent, the petitioner, the second respondent herein and the Inspector, HR & CE Department, Tiruppur had participated in the enquiry. While so, the Inspector, HR & CE, Tiruppur, by letter dated 18.08.2023, has clearly informed to the third respondent that the land in S.No.228 does not belong to HR & CE Department. The further case of the petitioner is that, in spite of the aforesaid letter, the third respondent is still demanding the petitioner to get 'No Objection Certificate' from HR & CE Department for registration of the said document. Hence, the present writ petition has been filed.



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3. The learned Government Advocate (HR & CE) appearing for respondents 1 and 2 submitted that the subject property is a Temple land and the officer, who has issued 'No Objection Certificate' is under suspension and departmental action has also been initiated against him. Taking advantage of the same, now the petitioner has claimed title and also insisting on the Registrar to register the document.

4. Heard both sides and perused the materials available on record.

5. Since the second respondent has raised objections with regard to the property in question, it is the duty of the third respondent/Sub-Registrar to issue notice to the petitioner and the persons who made objections and conduct enquiry and pass orders. If at all the petitioner is not entitled to execute any conveyance deed, the same has to be enquired into, but he rejected the document and has not passed any final order.



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6. Therefore, this Court, without expressing any view or opinion with regard to the merits of the case, directs the third respondent/Sub-Registrar to issue notice to the petitioner and respondents 1 and 2 herein as well as rival claimants/interested parties/objectors/aggrieved parties if any, as the case may be, conduct enquiry and pass appropriate orders on merits and in accordance with law.

7. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

- 1.The Commissioner,
Hindu Religious and Charitable
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Nungambakkam, Chennai – 600 034.
- 2.The Executive Officer,
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