



W.P.No.8999 of 2021

herein and quash the same and consequently direct the Respondent 1 to 3 to grant No Objection Certificate (NOC) for registering transfer entries of petitioner and his family member's land measuring about 6.80 acres in new S.F.No.539/ 1A, 1B, 1C and 1D, in Rakkipalayam Village of Thirumuruganpoondi Town Panchayat of Avinashi Taluk in Tiruppur District.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.NRR Arun Natarajan
Special Government Pleader
for RR1 to 3

Mr.V.Veluchamy
Additional Government Pleader
for R4

ORDER

This Writ petition has been filed for issuance of a writ of Certiorarified Mandamus, call for the records of the order dated 19.03.2020 passed by the 2nd respondent and quash the same and issuance of a direction to the respondents 1 to 3 to grant No Objection Certificate (NOC) for registering transfer entries of petitioner and his family member's land measuring about 6.80 acres in new S.F.No.539/ 1A, 1B, 1C and 1D, in Rakkipalayam Village of Thirumuruganpoondi Town Panchayat of Avinashi Taluk in Tiruppur District.

2. The learned counsel appearing for the petitioner would submit that the



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petitioner is the absolute owner of 8.16 acres in S.F.No.539 situated in Rakkipalayam Village of Thirumuruganpoondi Town Panchayat of Avinashi Taluk in Tiruppur District. Since, there was a dispute in respect of the property, there was a partition between the family members of the petitioner's father in O.S.No.696 of 1985 and a compromise decree was passed in favour of the petitioner's father and the 'B' schedule property in S.F.No.539/1 to an extent of 8.16 acres was allotted in favour of the petitioner's father and subsequently, the petitioner's father filed writ petition before this court in W.P.No.21618 of 2014 for a writ of mandamus directing the respondents to survey the land and issue a separate Patta based on the final decree in O.S.No.696 of 1985 on the file of Sub-court, Coimbatore and subsequently, the revenue records were mutated in favour of the petitioner. However, the third respondent claim rights of the property and thereby the petitioner made application before the 2nd respondent for issuance of No Objection Certificate in respect of the property in new S.F.No.539/1A, 1B, 1C & 1D and the same was rejected by the 2nd respondent vide impugned order dated 19.03.2020. Challenging the same the present writ petition is filed.

3. Learned counsel appearing for the petitioner would submit that there was a decree in favour of the petitioner in which petitioner is entitled to mutate the revenue records, accordingly, revenue records were mutated in favour of the



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petitioner. Even then, the HR & CE refused to issue No Objection Certificate in favour of the petitioner. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing for the respondents would submit that the entire extent of land in S.F.No.539/1, belong to one Muthamudali. That Muthamudali executed a gift deed in favour of the third respondent in the year 1897 vide document No. 2484 of 1897 to an extent of 7.54 acres. One Ananthalakshmi and 3 others filed a suit in O.S.No.696 of 1985 on the file of Subordinate Court, Coimbatore for partition as against the other stake holders including the petitioner's father namely Krishnamurthy, after collusion between the family members. The petitioner's father was arrayed as 2nd defendant in the above said suit and the said suit was filed without impleading the Temple as a party and a final decree to the entire extent of 8.16 acres of the land was obtained. While being so, subsequently the father made application for mutation of revenue records and since no order was passed, his father filed a writ petition before this court in W.P.No.21618 of 2014 for grant of separate patta for the land measuring to an extent of 2.44 acres and this court passed order for mutation of revenue records, in which the third respondent Temple is not a party. In order to grab the property from the Temple, the suit as well as writ petition were filed without impleading the third respondent Temple as a party and obtained the order which is not binding on



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the HR & CE and thereby HR & CE rejected the petitioner's request for issuance of No Objection Certificate. Accordingly, he prayed for dismissal of writ petition.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. On a perusal of the records reveal that the entire extent of land in S.F.No.539/1, belong to one Muthamudali. That Muthamudali executed a gift deed in favour of the third respondent in the year 1897 vide document No. 2484 of 1897 to an extent of 7.54 acres. One Ananthalakshmi and 3 others filed a suit in O.S.No.696 of 1985 on the file of Subordinate Court, Coimbatore for partition as against the other stake holders including the petitioner's father namely Krishnamurthy, after collusion between the family members. The petitioner's father was arrayed as 2nd defendant in the above said suit and the said suit was filed without impleading the Temple as a party and a final decree to the entire extent of 8.16 acres of the land was obtained. Subsequently the petitioner's father made application for mutation of revenue records and since no order was passed, his father filed a writ petition before this court in W.P.No.21618 of 2014 for grant of separate patta for the land measuring to an extent of 2.44 acres and this court passed order for mutation of records, in which the respondent/Temple is not a



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party. In order to grab the property from the Temple, the suit as well as the writ petition were filed without impleading the third respondent Temple as a party and obtained the order which is not binding on the HR & CE and thereby the HR & CE rejected the petitioner's request for issuance of No Objection Certificate, which warrants no interference.

In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed

14.10.2024

dsn

Index: Yes/No

Speaking Order: Yes/No

Neutral citation: Yes/No

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Utthamar Gandhi Salai,
Nungambakkam, Chennai.



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2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr. Balasundaram Road,
Coimbatore- 641 018.

3. The Executive Officer,
Arulmighu Muruganatha Swamy Thirukkovil,
Thirumuruganpoondi,
Avinashi Taluk, Tiruppur District.

4. The Sub Registrar,
Office of Sub Registrar,
Avinashi.

M.DHANDAPANI,J.

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