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W.P.No.24974 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24974 of 2024

Manavalan

...Petitioner

Vs.

- 1.The Joint Sub Registrar-I
Chennai Central
182, Pycrofts Road
Express Estate, Royapetah
Chennai 600 014.
- 2.The Joint Commissioner
Hindu Religious & Charitable Endowments
Department, Chennai II
Mylapore, Chennai 600 004.
- 3.The Assistant Commissioner
Hindu Religious & Charitable Endowments
Department Chennai II
Mylapore, Chennai 600 004.
- 4.The Executive Officer
Arulmighu Thiruvallur Thirukoil
Mylapore, Chennai 600 004.
- 5.The Tahsildar
Mylapore, Chennai 600 028.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records from the first respondent in RFL/Chennai Central Joint-I/53/2024 dated 12.06.2024 and quash the same and direct the first respondent to register and assign regular number in TP/184100957/2024.

For Petitioner : Mr.D.Veerakumar

For Respondents : Mr.T.Chezhiyan for R1 & R5
Additional Government Pleader
Mr.S.Ravichandran for R2 to R4
Additional Government Pleader (HR & CE)

ORDER

Aggrieved by the order passed by the first respondent in refusing to register the memorandum of deposit of title deeds submitted by the petitioner for registration in respect of the property in Survey Nos.3779/2 and 3780 situated in Mylapore Taluk, Chennai, the petitioner has come by way of this Writ Petition.



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2. According to the petitioner, he is the absolute owner of the above mentioned property and in order to avail loan from the Shinhan Bank, he entered into a memorandum of deposit of title deeds with the said bank in respect of the above mentioned property and he presented said memorandum for registration before the first respondent. On an objection raised by the second respondent that the above mentioned property belongs to the fourth respondent temple, the first respondent issued the impugned refusal check slip refusing to register the document. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the impugned refusal check slip was passed without issuing notice to the petitioner. Therefore, the same is not sustainable in law.

4. Mr.T.Chezhiyan, learned Additional Government Pleader takes notice for the respondents 1 & 5 and Mr.S.Ravichandran, learned Additional Government Pleader takes notice for the respondents 2 to 4.



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5. Mr. S.Ravichandran, learned Additional Government Pleader,

who takes notice for the respondents 2 to 4, on instructions submitted that in respect of the very same land Section 78 proceedings were already initiated against the petitioner for his eviction in MP.No.201 of 2021 on the file of the second respondent. When the second respondent already initiated eviction proceedings against the petitioner in respect of above mentioned property, treating him as encumber, it is not open to the petitioner to encumber the property without establishing his right in the manner known to Law before the Civil Forum. It is also seen from the typed set of papers challenging the very same impugned order, the petitioner earlier filed a Writ Petition in W.P.No.18915 of 2024 and the same was dismissed as withdrawn by the order dated 26.07.2024.

6. A perusal of the order passed by this Court in the Writ Petition in W.P.No.18915 of 2024 would indicate that the earlier Writ Petition filed by the petitioner challenging the very same impugned order was dismissed as withdrawn without liberty to file fresh Writ Petition. In these circumstances, the present Writ Petition is nothing but an abuse of process of Law and hence, the same is dismissed.



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7. Accordingly, this Writ Petition is dismissed. No costs.

30.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

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