



W.P.No.29257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.29257 of 2024

T.K.Mohamed Shagee

... Petitioner

Vs.

1.The Deputy Inspector General Of Registration (DIG)
6/1, GRD Road, Kamarajar Road,
Red Fields, Coimbatore- 641 018.

2.The Commissioner HR And CE
119, Uthamar Gandhi Rd, Thousand Lights West,
Nungambakkam, Chennai-34.

3.The District Registrar (Administration)
Coimbatore (South) Fifth Floor,
Singapore Plaze, Crosscut Road,
Gandhipuram, Coimbatore- 641 012.

4.The Sub Registrar
Sub Registration Office Of Sulur,
Sulur- 641 402, Coimbatore District.

5.The Executive Officer
Arulmigu Thiruvengadanathapperumal And
Arulmigu Vaithyanathaswamy Thirukkivil Sulur,
Palladam Taluk, Coimbatore- 641 402.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the Respondents 1st and 3rd and 4th to consider Petitioner's Representation dated 24.06.2024 and Subsequently to take necessary steps to pass order and make necessary amendment to the comment placed in the encumbrance certificate pertaining to the Petitioners property comprised in S.No. 21/2 ad-measuring to an extent of 6.37 acres situated at Kannampalayam village, Palladam Taluk (Now Suler Taluk), Coimbatore District situated within the registration district of Coimbatore south and sub registration office of Suler.

For Petitioner : M/s.Kabeer Ahmed K.Z
For Respondents : Mr.C.Sathish, Govt. Advocate,
for R.1, R.3 & R.4.

ORDER

The limited request of the petitioner is for a mandamus to the respondents 1, 3 and 4 to consider his representation dated 24.06.2024 and to take necessary steps to amend the encumbrance certificate pertaining to the petitioner's property comprised in S.No.21/2 measuring an extent of 6.37 acres situate at Kannampalayam Village, Palladam Taluk (Now Suler Taluk), Coimbatore District.



2. The petitioner's contention is that the subject property belongs to him. The petitioner had purchased the said property under a sale deed dated 21.10.2020. When the petitioner had presented this sale deed for registration before the 4th respondent, the 4th respondent had refused to register the same on the ground that the 2nd and the 5th respondent had given an objection letter and kept the document pending as pending document no.88/2020. The 4th respondent had directed the petitioner to obtain no objection letter from the 2nd respondent for registration of sale deed.

3. The petitioner would submit that earlier W.P.No.17907 of 2021 was filed by the him for registering the sale deed and releasing the same. This Court by following the judgement of a Division Bench reported in **2017 (3) CTC 135** held that once patta has been issued under either Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, it is for the temple to establish its title before the Civil Court. Therefore, the respondents were directed to register the sale deed when the same was presented for registration. Thereafter, the sale deed has been registered as document No.1106 of 2022 by the 4th respondent.



4. Thereafter, the petitioner had requested the Tahsildar to transfer patta in his name. Accordingly, patta no.3739 has been issued. When the petitioner had perused the patta he found that his vendor's name was also included. Therefore, representations were made on 13.09.2022 and 14.09.2022 to delete the name of the petitioner's vendor from patta no.3739. However, since no action was taken, the petitioner had filed W.P.No.31262 of 2022 directing the Tahsildar to delete the name of his vendor from the patta no.3739. By order dated 24.11.2022, this court had directed the Tahsildar to consider the representation of the petitioner and pass orders within a period of 12 weeks. The said order has not been complied with constraining the the petitioner to file a contempt petition in Cont.P.No.322/2024. The said petition was closed by order of this Court dated 14.06.2024 as it was reported that the order passed in W.P.No.31262 of 2022 has been complied with.

5. Despite the grant of patta and the registration of the sale deed in favour of the petitioner, the petitioner would submit that there are certain encumbrances in the encumbrance certificate in respect of the property in question wherein in the remarks column the property is shown as the property of the temple. Therefore, on 24.06.2024, the petitioner had sent a



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representation to respondents 1, 3 and 4 to delete the entry made in the encumbrance certificate. However, the same has not been considered to date. Therefore, the petitioner is before this Court.

6. Heard the counsels on either side.

7. Considering the facts and circumstances of the case and also considering the fact that the representation of the petitioner dated 24.06.2024 has not been considered to date, a mandamus is issued to respondents 1, 3 and 4, to consider the representation of the petitioner dated 24.06.2024 and pass orders after hearing the interested parties and giving them adequate opportunity, within a period of 4 weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is allowed. No costs.

27.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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P.T. ASHA. J.,

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