



WEB COPY



W.P.No.29012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29012 of 2024

Kaaliyappan

... Petitioner

VS.

1.The Tahsildar,
Nambiyur,
Gobichettipalayam,
Erode District.

2.The Revenue Divisional Officer,
Office of the The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Sub Registrar,
Nambiyur,
Gobichettipalayam,
Erode District.

4.The Executive Officer,
Hindu Religious & Charitable Endowments Department,
Arulmigu Ponnatchiamman Temple,
Perunthalaipur (PO),
Bhavani Taluk,
Erode District.

5.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Erode District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to complete the enquiry as directed by the 2nd respondent as expeditiously as possible and submit a report about the disputed property to the 2nd respondent within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Chandra Sekaran

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to complete the enquiry as directed by the 2nd respondent in his proceedings in O.Mu.No.4052/2024/A3, dated 12.07.2024.

3. The petitioner herein claims right over lands situated in



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R.S.No.877/15 in Survey 703 to an extent of 1.73 cents and R.S.No.877/17

in Survey No.703 to an extent of 1.53 cents in Karatupalayam Village, Nambiyur Taluk, Erode District. It is the case of the petitioner that he wanted to sell the properties in favour of one P.Sampath and the petitioner and his sister executed two sale deeds in favour of said P.Sampath on 18.06.2024 and the same were presented before the 3rd respondent for registration. The 3rd respondent refused registration of the sale deeds on the ground that the lands belonged to the 4th respondent/temple. Therefore, the petitioner submitted a representation dated 24.06.2024 before the 2nd respondent seeking removal of the entry in the guideline register as if, the properties belonged to the 4th respondent. Based on the said representation, the 2nd respondent directed to 1st respondent to conduct an enquiry and file a report. However, the 1st respondent has not conducted any enquiry till date. Aggrieved by the same, the petitioner has come before this Court.

4. The respondents 1 and 2 are not entitled to decide the title of the subject properties. It is seen from the typed-set of papers that sale deeds submitted by the petitioner were already refused by the 3rd respondent. The order of refusal passed by the 3rd respondent has not been challenged by the



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petitioner in the manner known to law. However, he submitted a representation before the 2nd respondent seeking deletion of entry in the guideline register. The respondents 1 and 2 are not entitled to decide the title dispute between the petitioner and the 4th respondent and give any finding with regard to the title over the subject properties. Therefore, this Court is not inclined to issue any positive direction to the respondents 1 and 2 to consider the request made by the petitioner.

5. Accordingly, the Writ Petition stands dismissed. No costs.

04.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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