



W.P.(MD)No.4753 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.4753 of 2023
and WMP(MD) Nos.4416 & 4417 of 2023

P.Rathinam

... Petitioner

Vs

1. The State of Tamil Nadu
Rep, by its, Inspector General,
Department of Registration,
No.100, Santhome High Road,
Chennai 28.

2. The Deputy Inspector General of Registration,
Department of Registration, Othakadai, Madurai.

3. The District Registrar,
Department of Registration, Dindigul,
Dindigul District.

4. The Sub-Registrar,
O/o. the Sub-Registrar, Natham,
Dindigul District.

5. The Commissioner,
O/o. the Commissioner,
The Hindu Religious and Charitable Endowment
Department, Chennai-34.



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6. The Assistant Commissioner,
O/o. the Assistant Commissioner,
The Hindu Religious and Charitable Endowment Department,
Dindigul District.

*(R5 and R6 are impleaded Vide order
of this Court, in WMP(MD) No.5566/2023,
dated 23.03.2023)*

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order in Na.Ka.No. 41/Sa.Pa. Natham/2023 dated 15.02.2023 on the file of the Respondent No.4 and quash the same as illegal and consequently direct the Respondent No.4 to permit the petitioner to execute any transaction like sale, gift, mortgage, lease etc. with regard his properties in survey number 341/2 an extent of 5 acre 65 cents (Patta No.2572) situated at Natham Village, Dindigul District by considering his representation dated 13.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.C.Satheesh (R1-R4)
Govt. Advocate

Mr.K.S.Selvaganesan(R5-R6)
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order in Na.Ka.No. 41/Sa.Pa. Natham/2023 dated 15.02.2023 on the file of the Respondent No.4 and consequently to direct the Respondent No.4 to permit the petitioner to



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execute any transaction like sale, gift, mortgage, lease etc. with regard his properties in survey number 341/2 an extent of 5 acre 65 cents (Patta No.2572) situated at Natham Village, Dindigul District by considering his representation dated 13.02.2023.

2.Heard Mr.T.Thirumurugan, the learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for R1 to R4 and Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for R5, R6. Perused the materials available on record.

3.It is the case of the petitioner that when the petitioner presented the document for registration, the same has not been registered on the ground that the subject property is belongs to the Temple.

4.The learned Additional Government Pleader appearing for the respondents 5 & 6 forwarded a letter addressed by the Assistant Commissioner/6th respondent before this Court, in which, the 5th respondent has stated that they have no objection to register the document, since the subject property is not belongs to Temple, but it belongs to the individual.



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5. In such view of the matter, this writ petition stands allowed and the impugned order in Na.Ka.No. 41/Sa.Pa. Natham/2023 dated 15.02.2023 is hereby set aside and the 4th respondent is directed to register the document presented by the petitioner, in respect of the subject property within a period of one week from the date of receipt of document from the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

1. The Inspector General,
Department of Registration,
No.100, Santhome High Road,
Chennai 28.

2. The Deputy Inspector General of Registration,
Department of Registration, Othakadai, Madurai.

3. The District Registrar,
Department of Registration, Dindigul,
Dindigul District.

4. The Sub-Registrar,
O/o. the Sub-Registrar, Natham,
Dindigul District.



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5. The Commissioner,
O/o. the Commissioner,
The Hindu Religious and Charitable Endowment
Department, Chennai-34.

6. The Assistant Commissioner,
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The Hindu Religious and Charitable Endowment Department,
Dindigul District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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