



W.P(MD)No.5559 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5559 of 2024

Avaiyar.K

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Road,
Thirumoorthy Nagar,
Nungampakkam,
Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Vadiveeswaram,
Nagercoil and Post,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give No Objection Certificate to register a sale document relating to Sy.Nos. 390/A, 392/17A, 392/25A, 390/2, 382/2, 382/4, 383/1, 382/5, 390/1, 383/3, 383/6 which extends about



W.P(MD)No.5559 of 2024

10.27 acres at Thirupathi Saram Village, Thovalai Taluk, Kanyakumari District vide the petitioners representation dated 17.01.2024.

For Petitioner : Mr.D.Saravanan
For Respondents : Mr.P.Subba Raj
Special Government Pleader

ORDER

Seeking No Objection Certificate from the respondents for registering certain sale documents in respect of the petitioner's property, the petitioner has submitted a representation on 17.01.2024 before the respondents 1 & 2 and filed this writ petition for a Mandamus to direct the respondents to dispose of the petitioner's representation within a time stipulated by this Court.

2.The petitioner claims that the properties in S.Nos. 390/A, 392/17A, 392/25A, 390/2, 382/2, 382/4, 383/1, 382/5, 390/1, 383/3, 383/6, Thirupathi Saram Village, Thovalai Taluk, Kanyakumari District belong to the petitioner. For registration of the



W.P(MD)No.5559 of 2024

WEB COPY

documents for these lands, the petitioner has sought for No Objection Certificate from the respondents. However, they have not considered the same. Therefore, the petitioner has filed this writ petition.

3.Mr.P.Subba Raj, learned Special Government Pleader takes notice for the respondents and submits that the lands referred by the petitioner belongs to Kanyakumari Mutt and therefore, No Objection cannot be granted to this petitioner. A proceedings in Na.Ka.No.2395/2022/A3, dated 22.01.2024 has also been produced before this Court to that effect.

4.Recording the submission made by the learned Special Government Pleader that the subject land belongs to Kanyakumari Mutt and therefore, No Objection Certificate cannot be issued to the petitioner, this writ petition is disposed of with a liberty to the petitioner to produce the relevant documents, if any, to substantiate his claim before the respondents. On such receipt of documents, the



W.P(MD)No.5559 of 2024

WEB COPY

respondents shall consider the same and take a decision after providing an opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

08.03.2024

NCC: Yes/No
Index: Yes/No
Internet: Yes
vrn

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No. 119, Uthamar Gandhi Road,
Thirumoorthy Nagar,
Nungampakkam,
Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Vadiveeswaram,
Nagercoil and Post,
Kanyakumari District.



WEB COPY



W.P(MD)No.5559 of 2024

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.5559 of 2024

08.03.2024