



W.P.(MD) No.17043 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Joseph Selvasingh

Vs.

... Petitioner

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Tirunelveli.

3.The Inspector,
Hindu Religious & Charitable Endowments Department,
Radhapuram,
Tirunelveli.

4.The Sub Register,
Thisiyanvilai,
Tirunelveli District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents No. 1 to 3 to issue no objection certificate for registration of documents in respect of petitioner's properties in Survey No.13/3A1A, 13/4A,



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Appuvilai Village, Now Tisaiyanvilai Taluk and Tirunelveli District otherwise to withdraw the objection petition filed by the respondents No. 1 to 3 before the fourth respondent in respect of the above properties.

For Petitioner : Mr.R.Balakrishnan
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a mandamus directing the first respondent to issue no objection certificate for registration of documents in respect of the properties in Survey No.13/3A1A, 13/4A situated at Appuvilai Village, now Tisaiyanvilai Taluk, Tirunelveli District.

2. The petitioner claims that the properties in Survey Nos. 13/3A1A, 13/4A originally belong to one Ravichandran and Devaraj by way of a registered document. The petitioner's father Arulraj has purchased the properties by virtue of a registered sale deed dated



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06.02.2009. Through his father, the petitioner obtained a right in the properties by way of a settlement dated 22.01.2015. The patta also stands in the name of the petitioner. When the petitioner has attempted to sell the properties, the Sub Registrar refused to register the document on the objections raised by the respondents 1 to 3.

3. The learned Special Government Pleader appearing for the official respondents submitted that as per the memorandum of the Tashildar, Thisaiyanvillai, dated 10.11.2022, the land in Survey No.13/4 is sub-divided as 13/4A1A measuring an extent of 0.47.80 hectares in Patta No.214 and the same stands in the name of Essakkimuthu and 18 others and the temple is also shown as one of the pattadhars along with 18 others, for this land in Survey No.13/4A1A.

4. Considering the above submissions, the petitioner is directed to submit a representation to the respondents along with the documents in his favour within a period of four weeks from the date of receipt of a copy of this order. The second respondent/Joint Commissioner shall conduct an enquiry into this and verify the records and pass orders on the



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same as to the extent, to which the petitioner is entitled. In the event, if the temple is not claiming any right on the property as per the records of the petitioner, then necessary orders shall be passed enabling the petitioner to register his document. The said process shall be completed within a period of twelve weeks from the date of receipt of a copy of the petitioner's representation.

5. With the above direction, this Writ Petition is disposed of.

No costs.

28.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

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B.PUGALENDHI,J

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