



W.P.(MD)No.21632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.21632 of 2024

and

W.M.P(MD).Nos.18277 and 18278 of 2024

Chelladurai

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai.
- 4.The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Pudukkottai District.
- 5.The Sub Registrar,
Sub Registrar Office,
Kandharvakottai,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication dated 13.11.2018 in Na.Ka.No.3258/2018/A2 on the file of the third respondent and quash the same as illegal and consequently direct the fifth respondent to accept the sale deed for registration pertaining to SF.No.326/6, 326/7 and 326/9 situated at Kovilur Village, Kandaravakottai Taluk, Pudukkottai District.

For Petitioner : Mr.R.Paranjothi
For M/s.KBS Law Office

For R-1 to R-3 : Mr.K.S.Selva Ganesan
and R-5 Additional Government Pleader

For R-4 : Mr.G.Mathavan

ORDER

The present Writ Petition is filed challenging the impugned communication of the third respondent dated 13.11.2018 and consequently direct the fifth respondent to accept the sale deed for registration pertaining to SF.No.326/6, 326/7 and 326/9 situated at Kovilur Village, Kandaravakottai Taluk, Pudukkottai District.

2. It is submitted by the learned counsel for the petitioner that the petitioner along with his wife purchased the subject property for valid



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consideration from the title holder and patta was also issued in their favour.

While so, the first respondent sent a communication on 13.11.2018 stating that the subject properties belong to HR and CE Department and steps are being taken before the DRO to set right the mistakes occurred in granting patta and requested not to transfer any patta regarding the subject properties. When the petitioner attempted to register a sale deed in respect of the subject properties, the fifth respondent, by citing the aforesaid communication refused to register the same. Under such circumstances, the petitioner submitted a representation to the respondent authorities. The first respondent, in turn, forwarded the copy of the representation to the second respondent directing him to take appropriate action. Since no action has been taken by the second respondent till date, the present petition is filed.

3. It is submitted by the learned Additional Government Pleader appearing for the respondent authorities that the order dated 13.11.2018 is only a communication from the Assistant Commissioner to the Tahsildar and copy of the same was also marked to Sub-Registrar, wherein it was stated the subject properties belonged to the Annathanachathiram and therefore would request that no further mutation shall be carried out regarding subject properties.



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4. The learned Additional Government Pleader would submit that the representation of the petitioner dated 22.07.2024 would be considered along with the documents which may be filed in support there on and appropriate orders would be passed. The same is acceded to by the learned counsel for the petitioner.

5. Recording the same, this Writ Petition is disposed of with a direction to the respondent authorities to consider the representation dated 22.07.2024 along with supporting documents, if any, and pass orders after putting the petitioner and other interested parties on notice, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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MOHAMMED SHAFFIQ, J.

Nsr

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