



W.P (MD).No.25841 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.25841 of 2024

1.Murali Rengachari
2.Usha Kuppusamy

... Petitioners

Vs.

1.The Sub-Registrar,
Srirangam Registration Office,
Gandhi Road, Srirangam,
Trichy-620 006.

2.The Executive Officer,
Arulmigu Sri Renganathaswamy Temple,
Srirangam, Trichy-620 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to register the sale of the property in respect of the property bearing Flat No.G3 Lakshmi Flats measuring an undivided share of 358 Sq.Ft out of an undivided share of 4296 sq.ft forming part of a total extent of 7124 sq.ft plot with a built up area of 735 sq.ft in Ground floor, and situate in Plot No.15, Sheshadri Street (also referred as EVS Street) Renganagar, Vellithirumutham Village, Srirangam, Trichy and comprised in Old T.S.No.733 as per survey sketch, Old T.S.No.732, New T.S.No.2560 Block 56, Ward 2 within the Sub-Registration Office at Srirangam, Trichy which was purchased by the petitioner's father under a



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registered sale deed dated 14.11.2007 bearing document No.2754/2007 with the first respondent herein without seeking no objection letter from the second respondent.

For Petitioner : Mr.P.R.Krishnaraj
For R1 : Mr.S.P.Maharajan
Special Government Pleader
For R2 : Mr.M.Saravanan
Standing Counsel

ORDER

This writ petition has been filed for a direction directing the first respondent to register the sale deed in respect of the property bearing Flat No.G3 Lakshmi Flats measuring an undivided share of 358 Sq.Ft out of an undivided share of 4296 sq.ft forming part of a total extent of 7124 sq.ft plot with a built up area of 735 sq.ft in Ground floor, and situate in Plot No.15, Sheshadri Street (also referred as EVS Street) Renganagar, Vellithirumutham Village, Srirangam, Trichy and comprised in Old T.S.No.733 as per survey sketch, Old T.S.No.732, New T.S.No.2560 Block 56, Ward 2 within the Sub-Registration Office at Srirangam, Trichy which was purchased by the petitioner's father under a registered sale deed dated 14.11.2007 bearing document No.2754/2007.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The property comprised in very same survey numbers were under subject matters of acquisition proceedings by the Government for cooperative housing schemes and lay-outs have been formed and the lands have been sold. Whenever the subject matter is dealt with by way of any transactions, the authorities are insisting for no objection certificate from the 2nd respondent temple. In order to substantiate the case, the learned counsel has also placed the notification of the Government for acquiring the land in question. Therefore, the petitioners are before this Court with these writ petitions for the aforesaid relief.

4. In the counter filed by the 2nd respondent, it is stated that though it is contended by the petitioner that the land in Old T.S.No.733 as per survey sketch, Old T.S.No.732, New T.S.No.2560 has been acquired by the Government, pursuant to the said acquisition, an award has been passed in Award No.40/1951 vide award dated 28.11.1951 and compensation amount has been paid to the claimants, no proof is filed by the petitioner to show that compensation amount has been paid to the temple and on that score, they pray for dismissal.



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5. I have considered the rival submissions and perused the materials available on record.

6. A perusal of the notification of the Government, it is seen that the above said survey numbers have been acquired by the Government as early as in the year 1951 and award has also been passed on 28.11.1951. Therefore, when the subject properties were acquired by the Government, merely on the basis of the earlier entry relating to the temple, no objection certificate cannot be insisted by the registering authority while registering any of the document particularly relating to these survey numbers.

7. In such view of the matter, there shall be a direction to the 1st respondent not to insist for no objection certificate for any transaction relating to Old T.S.No.733 as per survey sketch, Old T.S.No.732, New T.S.No.2560. It is made clear that whenever any document is presented relating to the above survey numbers, the parties shall not be driven to the Court to get orders. This order shall apply to all the transactions in respect of the aforesaid survey numbers in future as well.



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8. The writ petitions are allowed with the above direction. No costs.

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Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

13.11.2024

To

The Sub-Registrar,
Srirangam Registration Office,
Gandhi Road, Srirangam,
Trichy-620 006.



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G.K.ILANTHIRAIYAN, J.

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