



W.P (MD).No.30598 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

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

W.P (MD).No.30598 of 2024

and

W.M.P(MD)No.25687 of 2024

Pitchaiyammal

...Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome Road,
Pattinapakkam,
Chennai-28.
 - 2.The District Registrar,
Dindigul District,
Dindigul.
 - 3.The Sub-Registrar,
Nilakottai Registrar Office,
Nilakottai (Taluk),
Dindigul.
 - 4.The Commissioner,
Assistant Commissioner Office,
Hindu Religious and Charitable Endowment Department,
Dindigul.
 - 5.The Assistant Commissioner,
Assistant Commissioner Office,
Hindu Religious and Chartable Endowment Department,
Dindigul.
- ...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondents 4 & 5 in O.MU.No.26524/2022/M1 dated 27.06.2022 and Na.Ka.No.4449/2021/A3 dated 20.07.2022 and quash the same.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the respondents 4 & 5 in O.MU.No.26524/2022/M1, dated 27.06.2022 and Na.Ka.No.4449/2021/A3 dated 20.07.2022.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. The property comprised in S.No.76/1 and 76/2 situated at Kullisettipatti Village, Nilakkottai Taluk, Dindigul District originally belonged



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to one Sowdan Chettiyar by the registered sale deed dated 20.02.1928 vide document No.196/1928. In turn, he executed the sale deed in favour of Subban Chettiya on 12.03.1948 vide document No.379/1949. Thereafter, he settled the property in favour of his children namely Shavundaiya and Rajendren vide document No.1272/1980. They had executed two different sale deeds in favour of one Leelavathy vide document Nos.893/1994 and 794/1996 by the registered sale deeds dated 29.04.1994 and 08.03.1996. The petitioner had purchased the subject property from one Shavundaiya by the registered sale deed dated 07.11.2001 and the patta was also issued in favour of the petitioner in Patta No148. Now, the petitioner decided to settle the property in favour of his family members. Therefore, the petitioner approached the third respondent and the third respondent directed the petitioner to obtain No Objection Certificate from the respondents 4 & 5 for registration of any deed of conveyance in respect of the subject property. Therefore, the petitioner approached the fifth respondent for issuance of No Objection Certificate, however, the request made by the petitioner was rejected on the ground that the subject land belongs to temple and as such No Objection Certificate cannot be issued for issuance of patta or to deal with the property. Further, directed the petitioner to approach the Civil Court for appropriate relief.



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5. If any document presented by the petitioner for registration before the third respondent, if any objection received from the respondents 4 & 5 in respect of the subject property for registration along with title deeds, the third respondent is directed to conduct an enquiry under Section 22-A of the Registration Act and pass orders in the light of the judgment in ***Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others*** reported in ***2017 (3) CTC 135*** after giving an opportunity of hearing to the petitioner.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

18.12.2024



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WEB COPY

To

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G.K.ILANTHIRAIYAN, J.

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