



Writ Petition No.15286 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15286 of 2020

Rajappa
S/o.Suyampragasam

Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai, Nagapattinam District.

3.A/M.Somanathaswamy Thirukoil,
Rep by its Executive Officer
Nidur, Mayiladuthurai Taluk, Nagapattinam District.

4.The Joint Sub Registrar No.1,
Mayiladuthurai, Nagapattinam District.

5.M.Noorulaina
W/o.Mohamed Iqbal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to issue No Objection Certificate to the fourth Respondent for registration of sale deed dated 03.07.2020 executed by fifth Respondent



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in favour of petitioner in the light of the report of second respondent in his proceedings Na.Ka.No.6863/2019/E1 dated 31.01.2020.

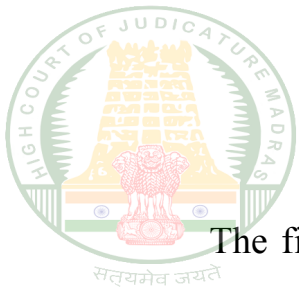
For Petitioner : Ms.H.Kavitha
For Respondents : Mr.K.Karthikeyan
Government Advocate [R1 to R3]
Mr.E.Vijay Anand,
Additional Government Pleader [R4]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents 1 to 3 to issue no objection in order to enable the fifth respondent to execute the sale deed in favour of the petitioner with respect to the subject property.

2. Heard Ms.H.Kavitha, learned counsel for petitioner, Mr.K.Karthikeyan, learned Government Advocate appearing for respondents 1 to 3 and Mr.E.Vijay Anand, learned Additional Government Pleader appearing for fourth respondent.

3. The fifth respondent is claiming right and title over the subject property by virtue of a registered sale deed dated 01.09.2004. The fifth respondent had taken loan and mortgaged the property in favour of the petitioner and a mortgage deed dated 08.01.2018 was also registered.



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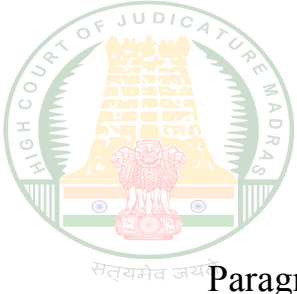
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The fifth respondent wanted to sell the lands in favour of the petitioner and accordingly, executed a sale deed dated 03.07.2020. When this sale deed was presented for registration, the fifth respondent refused to register the document on the ground that the petitioner must get a 'No Objection Certificate' from the Hindu Religious and Charitable Endowment Department. In view of the same, the petitioner has approached this Court and sought for a direction to the respondents 1 to 3 to issue 'No Objection Certificate' to enable the fifth respondent to execute the sale deed in favour of the petitioner.

4. The third respondent temple has taken a stand that the property belongs to the temple and therefore, there is no question of issuing 'No Objection Certificate' in favour of the petitioner.

5. It is not necessary for this Court to go into the *inter se* dispute between the fifth respondent and third respondent temple. It will suffice if a direction is given to the fourth respondent to take a decision in line with the guidelines issued by the Division Bench of this Court in ***Sudha Ravi Kumar v. The Special Commissioner [2017 (3) CTC 135]***.

N.ANAND VENKATESH, J



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Paragraph No.25 deals with the guidelines that were given to registering authority to conduct a summary enquiry and take a decision. The said process shall be completed by the fourth respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs.

03.06.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The Commissioner,
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Nungambakkam High Road, Chennai.

2. The Joint Commissioner,
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