



W.P.(MD).No.5642 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5642 of 2025

S.Ganesan

... Petitioner

-VS-

**1. The District Revenue Officer,
Madurai.**

**2. The Joint Commissioner,
Department of Hindu Religious and Charitable Endowment,
Madurai 625 001.**

**3. The Tahsildar,
Kallikudi Taluk,
Madurai.**

**4. The Fit Person / Executive Officer,
Arulmighu Gurusamy Thirukovil,
Kallikudi Village,
Madurai District.**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, thereby direct the respondent No. 2 to take appropriate action on petitioner's representation dated 10.01.2025 seeking to issue no objection certificate within a reasonable time to be fixed by this Court.



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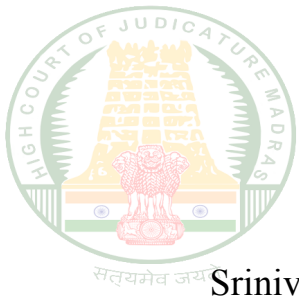
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For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.K.S.Selvaganesan (R1 to R3)
Addl. Govt. Pleader
Mr.S.Manohar (R4)

ORDER

This writ petition has been filed seeking a direction to the second respondent to take appropriate action on the petitioner's representation dated 10.01.2025 seeking to issue no objection certificate, within a time frame to be fixed by this Court.

2. The case of the petitioner is that the land in S.No.277/1B2, 1B1B and 1B1A and S.No.277/1A & C totalling to 1 acres 88 cents (corresponding old S.No.556/1), situated at Vellakulam Village, originally belonged to the petitioner's grandfather. However, the patta was mistakenly issued including the names of other persons also. On the request made by the petitioner, the Revenue Divisional Officer, Usilampatti, directed the Tahsildar concerned to rectify the mistake. Pursuant to the said order, the patta was also issued in favour of the petitioner's family. While being so, one Srinivasan filed a writ petition before this Court in WP(MD)No.9064 of 2013 challenging the said patta and this Court disposed the said writ petition with a direction to the said



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Srinivasan to work out his remedy before the civil Court. Pursuant to the said order, a suit in OS No.168 of 2013 was filed by him, which was also withdrawn by him, since the records produced by the petitioner herein would clearly prove the right and title over the subject property. In the interregnum, the Tahsildar, Kallikudi, issued a memorandum dated 29.08.2024 stating that the application for patta is pending on the objection raised by the fourth respondent and he also orally informed the petitioner to get no objection certificate from the second respondent. Hence, the petitioner made a representation before the second respondent dated 10.01.2025. However, the same has not been considered till date. Hence, the present writ petition came to be filed.

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

4. When the matter is taken up for hearing, the learned counsel appearing for the fourth respondent submitted that the very same subject property was the subject matter of another writ petition in WP(MD)No.17569 of 2022, which was already disposed on 13.08.2024, wherein this Court has held as follows:-



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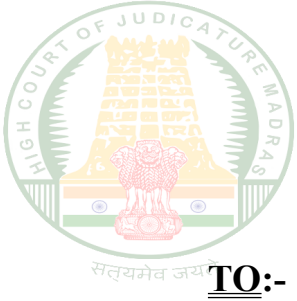
“At the outset, this Court is of the view that a general direction cannot be issued as prayed for in this writ petition. However, if the authorities is of the view that any document is presented for registration and the same comes within the ambit of Section 22-A of the Registration Act, 1908 ie., temple property, they have every right to refuse to register the document and they have to make a minimum enquiry. As a matter of right, such a direction cannot be issued.”

5. When this Court has already taken a view with regard to the very same subject property that if the property comes within the ambit of Section 22-A of the Registration Act, 1908 ie., temple property, they have every right to refuse to register the document and they have to make a minimum enquiry, it is appropriate for the respondents to conduct enquiry in this regard.

6. In view of the above, this Court cannot issue a mandamus to consider the petitioner's representation seeking “no objection certificate” and hence, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

03.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
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