



W.P.(MD).No.9401 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9401 of 2025

Mariappan

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Mayiladuthurai.
2. The Assistant Commissioner / Executive Officer,
Arulmigu Sri Naganathaswamy Temple,
Thirunageswaram,
Thanjavur District.
3. The Sub Registrar,
Thiruvudaimaruthur,
Thiruvudaimaruthur Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to issue no objection certificate to sale the petitioner's property in Re Survey No. 46/7A2A and Plot No.35 situated at Megala Nagar, Thirunageswaram Village, Kumbakonam Taluk, Thanjavur District based on his representation dated 27.11.2024.



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For Petitioner : Mr.G.Gomathisankar
For Respondents : Mr.K.S.Selvaganesan (R1)
Additional Government Pleader
Mr.V.Chandrasekar (R2)
Mr.R.Sureshkumar (R3)
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the 1st and 2nd respondents herein to issue no objection certificate to sell the petitioner's property in Re Survey No. 46/7A2A and Plot No.35 situated at Megala Nagar, Thirunageswaram Village, Kumbakonam Taluk, Thanjavur District, based on the petitioner's representation dated 27.11.2024.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The subject property originally owned by the 2nd respondent temple and the income derived from the said property was used for kattalai purpose of the said temple. Due to insufficient income, the then hereditary trustee filed a petition in OP No. 13 of 1987 before the Principal District Judge,



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Thanjavur to permit the trustee to sell the subject property and permission was so granted. Pursuant to the same, the property was sold through public auction to four persons and from the power of attorney of those persons, the petitioner's vendor has purchased the subject property. The petitioner and his wife purchased the subject property by way of registered sale deed from his vendor and they have also mutated the patta and revenue records in their favour. While this being so, the petitioner decided to sell the property in order to fulfill his needs. When the petitioner approached the third respondent to register the sale deed in favour of a third party, he was advised to get “no objection certificate” from the 2nd respondent. With regard to the same, the petitioner made a representation dated 27.11.2024 to the respondents 1 and 2. Since the said representation was not considered, the petitioner has filed the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its



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extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 27.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of three months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

04.04.2025

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:
04.04.2025