



W.P.(MD)No.9711 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9711 of 2025

U.Senthil

: 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,
Thiruvidaimaruthur,
Thiruvidaimaruthur Taluk,
Thanjavur District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents herein to issue a no objection certificate to sell the petitioners property in Re Survey No.46/3A1A1A2 and Plot No.38 situated at Megala Nagar, Anakudi 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

Addl. Government Pleader for R1 & R2

Mr.N.Ramesh Arumugam

Government Advocate for R3

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to issue a 'No Objection Certificate' to sell the petitioner's property in Re-Survey No.46/3A1A1A2 and Plot No.38 situated at Megala Nagar, Anakudi Thirunageswaram Village, Kumbakonam Taluk, Thanjavur District, by considering her representation dated 27.11.2024.

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

3. She borrowed a loan from REPCO Home Finance Limited and registered a Memorandum of Deposit of Title Deeds in favor of the



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finance institution. The petitioner's grievance is that, when she applied for an opinion to register the sale deed, she was advised to obtain a 'No Objection Certificate' from the second respondent. In this regard, she submitted a representation dated 27.11.2024 to respondents 1 and 2, requesting the issuance of the 'No Objection Certificate'. As no action has been taken, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

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



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stipulated time.
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6. 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 four weeks 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 second respondent to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

07.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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