

W.P(MD)No.11779 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.11779 of 2025

1.Vivekanandhan

2.Nirmala

3.Jeniba

4.Suganthan

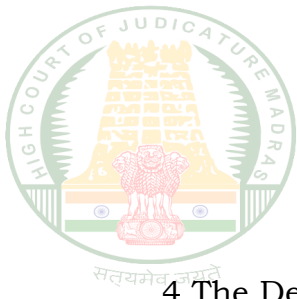
... Petitioners

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Thousand Lights West,
Nungampakkam,
Chennai-600 034.

2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
No.7, Kuruntheru Road,
Meenakshipuram,
Vadiveeswaram,
Ramar Colony,
Nagercoil-629 001,
Kanyakumari District.

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.



W.P(MD)No.11779 of 2025

WEB COPY

4.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Integrated Registrar Office Complex,
St. Mark Road,
Behind John Hr. Sec. School,
Palayamkottai,
Tirunelveli-627 002.

5.The District Registrar,
Registration Department,
Marthandam-629 165,
Kanyakumari District.

6.The Sub Registrar,
Karungal Sub Registrar Office,
Karungal,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the sixth respondent to register the document produced by the petitioners for the property situated in S.No.397/12 to the extent of 8.50 cents in Paloor Village, Killiyoor Taluk, Kanyakumari District by following the earlier order of this Court made in W.P(MD)No.5095 of 2023, dated 10.03.2023 within a time frame as fixed by this Court and pass such further or other orders as this Court.

For Petitioners	: Mr.Balasubramaniam for Mr.P.Santhana Krishnan
For R-1 & R-2	: Mr.K.S.Selvaganesan Additional Government Pleader
For R-3 to R-6	: Mr.P.T.Thiraviyam Government Advocate



W.P(MD)No.11779 of 2025

WEB COPY

ORDER

The petitioners seek for the following relief:-

"Writ of Mandamus, directing the sixth respondent to register the document produced by the petitioners for the property situated in S.No. 397/12 to the extent of 8.50 cents in Paloor Village, Killiyoor Taluk, Kanyakumari District by following the earlier order of this Court made in W.P(MD)No.5095 of 2023, dated 10.03.2023."

2. The case of the petitioners is that the property situated in S.No. 397/12 old S.No.6481 of Paloor Village, Killiyoor Taluk, Kanyakumari District belonged to their father Solomon. The said Solomon had purchased the property on 18.02.2000 from one Raghavalu. Raghavalu had purchased the property from Thangaiah, Subramanian and Chinnathambi, sons of Velayuthan Vaithiyan by way of a registered document, dated 26.10.1970. When the said Solomon attempted to register a settlement deed, he was directed to get a no objection certificate from the Assistant Commissioner, HR & CE, Nagercoil, Kanyakumari District. Challenging the same, the said Solomon filed a writ petition in W.P(MD)No.5095 of 2023. When the writ petition came up for arguments, after hearing both sides, this Court passed the following order:



W.P(MD)No.11779 of 2025

WEB COPY

"4. The learned Special Government Pleader appearing for the respondents would fairly admit that no document has been produced to show the nature of right of the 3rd respondent to the property, except the A-Register, in which several lands including the land in S.No.397/12 have been described as Government Land "Hindu Temple".

5. The petitioner has been issued with joint patta in respect of the property in S.No.397/12. That apart, the A-Register which has been issued to the petitioner would describe the property as a Ryotwari punja land. Despite all these documents, the second respondent failed to register the sale deed. Therefore, direction is issued to the second respondent to register the settlement deed within a period of two weeks from the date of receipt of a copy of this order and the petitioner shall produce all the relevant documents at the time of registration."

3. Before the order could be put into effect, the said Solomon passed away on 10.10.2024. In quick succession, his wife Rathnabhai also passed away on 02.03.2025 leaving the petitioners as the legal heirs. When the legal heirs attempted to register a document, yet again the very same objection that a no objection certificate from HR & CE Department must be obtained, was given by the respondents. Hence, this writ petition.



W.P(MD)No.11779 of 2025

WEB COPY

4. I heard Mr.Balasubramaniam for Mr.P.Santhana Krishnan for the petitioner, Mr.K.S.Selvaganesan for the respondents 1 and 2 and Mr.P.T.Thiraviyam for the respondents 3 to 6.

5. When the very issue has been gone into by this Court in W.P(MD)No.5095 of 2023 and an order had been passed to the respondents on 10.03.2023 directing them to register a document, and that order has become final, it is not open to the Registration Department to yet again give the very same reason for the purpose of refusal to register the document. It is *per se* contumacious, though I can initiate *suo motu* contempt against the respondents, I am refraining from doing so, by taking a lenient view of the matter. There shall be a Mandamus as prayed for. In case the respondents do not implement the orders passed in W.P(MD)No.5095 of 2023 and in this writ petition, the petitioners will be entitled to approach this Court pointing out the aggravated contempt that is continuing to be committed by the respondents.



W.P(MD)No.11779 of 2025

WEB COPY

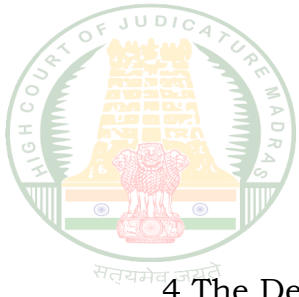
6. This writ petition stands ordered with the above terms. There shall be no order as to costs.

29.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Thousand Lights West,
Nungampakkam,
Chennai-600 034.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
No.7, Kuruntheru Road,
Meenakshipuram,
Vadiveeswaram,
Ramar Colony,
Nagercoil-629 001,
Kanyakumari District.
- 3.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.



W.P(MD)No.11779 of 2025

WEB COPY

4.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Integrated Registrar Office Complex,
St. Mark Road,
Behind John Hr. Sec. School,
Palayamkottai,
Tirunelveli-627 002.

5.The District Registrar,
Registration Department,
Marthandam-629 165,
Kanyakumari District.

6.The Sub Registrar,
Karungal Sub Registrar Office,
Karungal,
Kanyakumari District.



WEB COPY



W.P(MD)No.11779 of 2025

V.LAKSHMINARAYANAN, J.

BTR

W.P(MD)No.11779 of 2025

29.04.2025