



W.P.(MD) No.1901 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.1901 of 2026
and W.M.P.(MD)Nos.1490 & 1492 of 2026

M.Mariyammal

... Petitioner

Vs

1.The Assistant Commissioner,
The Department of Hindu Religious and
Charitable Endowments (HR & CE),
Tenkasi, Tenkasi District – 627 811.

2.The Sub Registrar,
The Office of the Sub Registrar,
Vaasudevanallur,
Tenkasi District – 627 758.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 1st respondent Assistant Commissioner in Na.Ka.No.1935/2016-2/Aa1 dated 22.04.2016 (served to the petitioner in November 2025), quash the same and further direct the 1st respondent Assistant Commissioner to issue forthwith No Objection Certificate in respect of the petitioner's land



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admeasuring to an extent of 8.5 cents at Survey No.523B/4A2A, Narayanapuram, Bit-2 Vasudhevanallur Range, Tenkasi District, so as to enable the 2nd respondent Sub Registrar to register the Settlement Deed executed by the petitioner in favour of her son namely M.Bharathi Dasan dated 09.07.2025.

For Petitioner : Mr.P.Muthuvel
For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1
Mr.K.R.Baduras Zaman,
Govt. Advocate for R2

ORDER

This Writ Petition is filed challenging the impugned proceedings issued by the 1st respondent Assistant Commissioner in Na.Ka.No.1935/2016-2/Aa1 dated 22.04.2016 (served to the petitioner in November 2025), and also seeking for a consequential direction, directing the 1st respondent Assistant Commissioner to issue forthwith No Objection Certificate in respect of the petitioner's land admeasuring to an extent of 8.5 cents at Survey No.523B/4A2A, Narayanapuram, Bit-2 Vasudhevanallur Range, Tenkasi District, so as to enable the 2nd respondent Sub Registrar to register the Settlement Deed executed by the



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petitioner in favour of her son namely M.Bharathi Dasan dated 09.07.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that when the petitioner presented a settlement deed dated 09.07.2025 for registration, the same was refused to be registered citing the reason that the 1st respondent has raised certain objections for making any registration in respect of the subject property. Challenging the same, the petitioner has filed this Writ Petition.

4. The learned counsel appearing for the petitioner would submit that without issuing any notice to the petitioner and without conducting any enquiry, the impugned order was passed in a mechanical manner. Hence, the impugned order is liable to be set aside.

5. The learned Government Advocate appearing for the 2nd respondent would submit that since the first respondent made objections



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to register the subject property, the 2nd respondent refused to register the settlement deed executed by the petitioner. He would fairly submit that without issuing notice to the petitioner and without conducting any enquiry, the impugned order was passed. Therefore, the impugned order may be set aside and remitted back to the 2nd respondent for fresh consideration.

6. This Court heard the submissions made by the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the 1st respondent, the learned Government Advocate appearing for the 2nd respondent and perused the materials available on record.

7. In the present case, the petitioner claims that the subject property is the petitioner's property. Therefore, she intends to settle the same in favour of his son vide settlement deed dated 09.07.2025. However, the same came to be rejected citing the reason that there is an objection from the first respondent. However, no notice was issued before rejecting registration of the subject property.



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8. In the event if the 1st respondent has given objections by way of communication, the second respondent supposed to communicate the same to the petitioner and after hearing the petitioner and the 1st respondent, the 2nd respondent supposed to take a decision with regard to registration of any document in respect of the subject property. The said mandatory provision is not followed by the 2nd respondent. Therefore, this Court is inclined to pass the following order:

(i) the petitioner is directed to re-present the settlement deed dated 09.07.2025 before the 2nd respondent.

(ii) after receipt of the same, the 2nd respondent is directed to issue notice to the petitioner and the 1st respondent and thereafter, after hearing the petitioner and 1st respondent, the 2nd respondent is directed to take a decision in accordance with law, with regard to the registration of the settlement deed dated 09.07.2025.



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9. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

NCC : Yes/No



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To

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KRISHNAN RAMASAMY, J.

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