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W.P.No.20792 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.20792 of 2025

and

W.M.P.No.23460 of 2025

- 1 R.JAYASREE
- 2 SURESH
- 3 SRIRAM S.

..Petitioner

Vs.

- 1 THE SUB REGISTRAR
KAMARAJ AVENUE ADYAR, CHENNAI.
- 2 THE INSPECTOR GENERAL OF REG ISTRATION
NO.100, SANTHOME HIGH ROAD
RAJA ANNAMALAIPURAM, CHENNAI 60 028.
- 3 THE COMMISSIONER (H.R.&C.E.)
117 UTHAMAR GANDHI Road,
NUNGAMBAKAM CHENNAI 600 034.
- 4 ARULMIGHU ARUNACHALAESHWARAR TEMPLE
REPRESENTED BY JOINT COMMISIONER
CUM EXECUTIVE OFFICER, SANNATHI STREET
THIRUVANAMALAI 606 601.

...Respondents

For Petitioner

: Mr.Rajnish Pathiyil for



W.P.No.20792 of 2025

Mr.Samyuktha Jeyaprakash

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For Respondents 1 & 2 : Mrs.A.Bakkiya Lakshmi
Government Advocate

For Respondents 3 & 4 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

Order

Mr.Rajnish Pathiyil, the learned counsel for the petitioner would submit that the subject property originally belonged to the fourth respondent-Temple; that the Executing Officer on behalf of the fourth respondent-Temple executed a sale deed in favour of the Theosophical Society, which in turn, sold the property to one Mrs.S.Kamala, viz., the petitioners' mother; that thereafter, the petitioner's mother executed a settlement deed in favour of the petitioners; that later, the petitioners entered into a Joint Development Agreement with the Developer for the purpose of development of the subject property and executed a General Power of Attorey in favour of the Developer, however, when the said Power of Attorney has been presented for the purpose of registration, the first respondent, Sub Registrar, refused to register the same and issued a Refusal Check Slip, citing the reason that the subject property belongs to the fourth respondent-Temple and hence, NOC is required to be obtained from the third and fourth respondents; that petitioners, therefore, approached respondent Nos.3 and 4 and made a representation dated 29.03.2025 clearly setting out the factum of earlier transactions that took place in regard to the purchase of the subject property by their mother and sought for issuance of NOC, however, the same has not



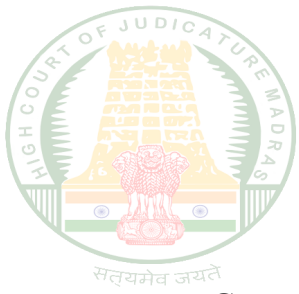
W.P.No.20792 of 2025

been considered; that thereafter, the petitioners also made a representation dated 29.03.2025 before the respondent Nos.1 and 2 requesting to proceed with the registration of General Power of Attorney, which even evoked no response, hence, the present Writ Petition.

2. It is the main contention of the learned counsel for the petitioner that as early as in the year 1959, the subject property was sold by the H.R.&C.E. after obtaining sanction in terms of a Scheme under Section 29 of the erstwhile Madras H.R.& C.E., Act 1951 to the Theosophical, who in turn sold the property to the petitioners' mother, which fact was well-known to the first respondent, the first respondent need not insist for NOC from respondents 3 and 4.

3. However, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for respondent Nos.3 and 4 seeks time to get instructions on the aforesaid aspect.

4. Thus, when the petitioners were in possession of all the relevant documents, such as sale deeds to show their bona fide purchase of the subject property, which are in fact, available with the first respondent as well, there won't be any impediment for the first respondent to register the General Power of Attorney, and the first respondent cannot remain supine indifference to the request made by the petitioners in their representation.



W.P.No.20792 of 2025

5. However, considering the request made by the learned Special Government Pleader for respondent Nos.3 and 4, who seeks time to get instructions in the matter, post the matter under the caption, "For Orders" on 23.10.2025.

10.10..2025

sd

Index : yes/no

Neutral Citation : yes/no

To

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Krishnan Ramasamy,J.,

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WEB COPY



W.P.No.20792 of 2025

W.P.No.20792 of 2025

10.10.2025