

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.1862/2011

Arumugam

..Petitioner

Versus

Sub Registrar,
Registrar Office,
Registration Department,
Avinashi, Tiruppur District.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to register the Deed of Settlement dated 22.6.2010 which was presented by the petitioner before the respondent and release the same to the petitioner with in an appropriate time.

For Petitioner : Mr.A.V.Raja

For Respondent : Mr.R.Lakshmi Narayanan, AGP

ORDER

Heard Mr.A.V.Raja, learned counsel for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing for the respondent and with their consent, the writ petition is disposed of.

2.The petitioner has come forward with this writ petition seeking a writ of mandamus to direct the respondent to register the Settlement Deed dated 22.06.2010 and to release the same within an appropriate time.

3.This Court, vide order dated 01.11.2012, directed the petitioner to implead the Wakf Board. Accordingly, the petitioner filed MP.No.1/2012 to implead the Wakf Board as the 2nd respondent. However, for non-payment of batta, the said petition was dismissed. Therefore, the Wakf Board is not a party respondent in this writ petition. Under such circumstances, no relief as sought for by the petitioner cannot be granted to direct the respondent to register the document. However, it is seen that the respondent has passed the impugned proceedings without notice to the petitioner and without affording an opportunity of personal hearing.

4.Hence, the writ petition is disposed of with a direction to the petitioner to represent the document along with a copy of this order and on such representation, the respondent shall afford an opportunity to the petitioner to place his contentions and after hearing the Inspector of Wakf of the concerned area or the Muthavalli of the concerned Wakf, the 1st respondent shall pass a speaking order on merits and in accordance with law as expeditiously as possible. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

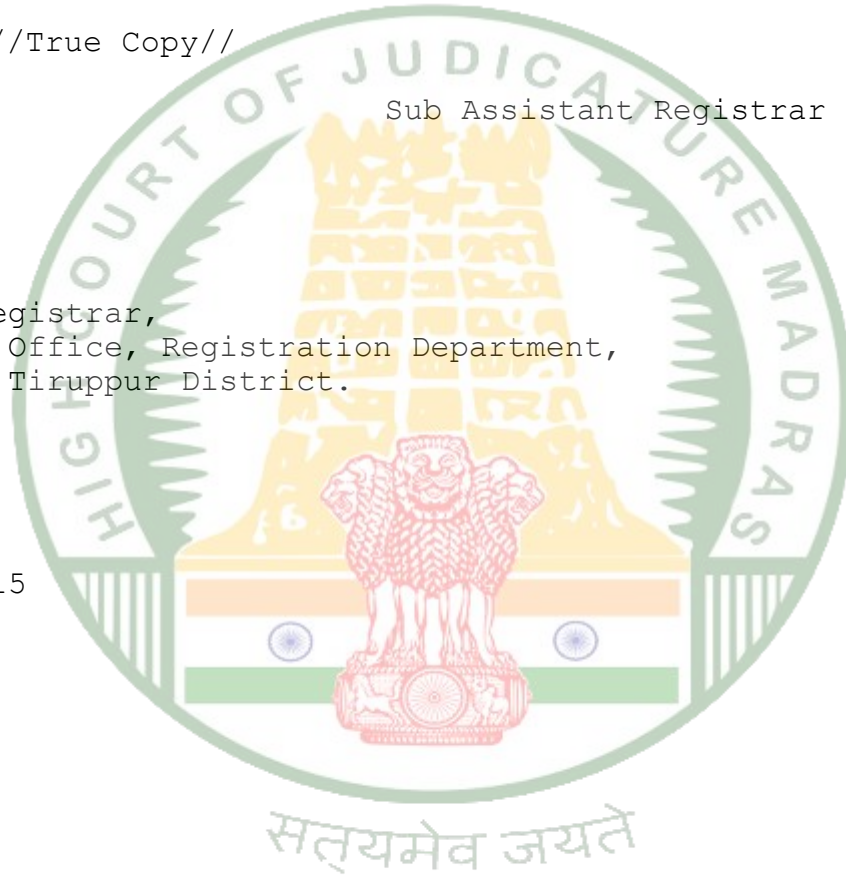
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To

The Sub Registrar,
Registrar Office, Registration Department,
Avinashi, Tiruppur District.

SV(CO)
Eu 31.08.15

WP.No.1862/2011



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