

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.19456 of 2014
and
M.P.No.1 of 2014

K.Ramasamy

...Petitioner

Vs.

1. The Executive Officer,
Tamilnadu Wakf Board,
No.1, Jabbar Siring Street,
Vallal Seethakathi Nagar,
Chennai - 600 002,
2. The Sub-Registrar,
Sub-Registrar Office,
Anaimalai,
Pollachi Taluk,
Coimbatore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to Na.Ka.No.58/2014 dated 10.03.2014 passed by the 2nd respondent and quash the same as illegal and further direct the 2nd respondent to register the agreement for sale filed by the petitioner on 10.03.2014.

For Petitioner : Mr.A.Ansar

For Respondents : Mr.H.Yasmeen Ali for R.1

Mr.P.Sanjay Gandhi,AGP for R.2

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ORDER

The petitioner along with his wife purchased the property of 93 ½ cents in S.No.717/B 717/C situated in Anaimalai village, Pollachi Taluk and the petitioner decided to sell the said property. However, the agreement of sale executed by the petitioner was not registered by the 2nd respondent on the ground that as per the revenue records, the land in S.No.717/ C2 has been shown as the one belonging to the 1st respondent - Wakf Board by passing the impugned order. Seeking to set aside the said order, the present writ petition has been filed.

2. When the matter is taken up for hearing, learned counsel appearing for the petitioner submitted that a wrong entry has been made by the revenue officials in respect of the property of the petitioner. The petitioner purchased the said property in the year 1988 itself. At that point of time, it was duly registered in their name. As held by the Full Bench of the Apex Court in Board of Muslim Wakfs, Rajasthan Vs. Radha Kishan and others, ((1979) 2 SCC 468), there is no limitation involved when a non-Muslim makes a claim to the property and thus rule of limitation provided under sub-section 5 (2) of the Wakf Act does not have any application.

3. Learned counsel appearing for the 1st respondent submitted that the case of the petitioner would be considered, as and when an application is made by the petitioner regarding the nature of the property.

4. This Court is also of the considered view that it would resolve the entire dispute. After the decision to be made by the 1st respondent, the petitioner can always work out the remedy in the manner known to law, if it is actually required.

5. Accordingly, the writ petition stands disposed of by directing the petitioner to make a detailed representation enclosing relevant documents to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the said authority will have to pass appropriate orders within a period of eight weeks thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Officer,
Tamilnadu Wakf Board,
No.1, Jabbar Siring Street,
Vallal Seethakathi Nagar,
Chennai - 600 002,
2. The Sub-Registrar,
Sub-Registrar Office,
Anaimalai, Pollachi Taluk,
Coimbatore District.

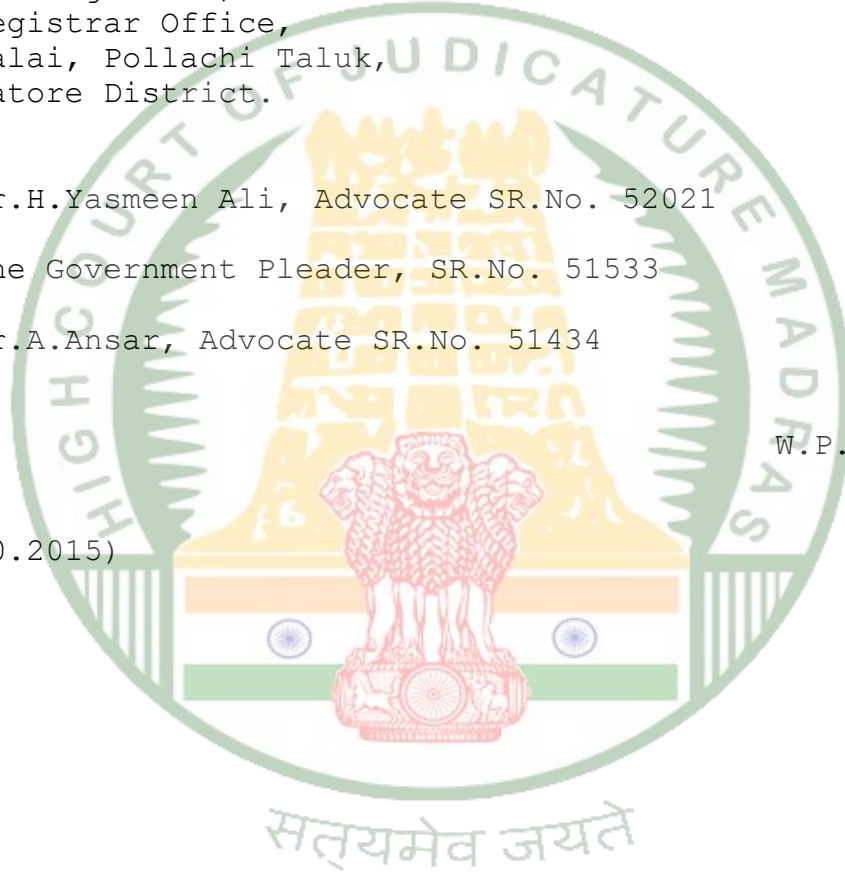
1 CC to Mr.H.Yasmeen Ali, Advocate SR.No. 52021

1 CC to the Government Pleader, SR.No. 51533

1 CC to Mr.A.Ansar, Advocate SR.No. 51434

W.P.No.19456 of 2014

AD (CO)
PSI (01.10.2015)



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