

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17-09-2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.27673 of 2017

Mohamed Shefi ... Petitioner

..Vs..

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The District Registrar,
Nilgiris.

3.The Sub Registrar,
Gudalur.

4.Hayathul Islam Committee,
Muhiyudheen Juma Masjid,
Represented by its President,
Erumadu Mahal,
Kkonnachal Post,
Pandalur Taluk,
The Nilgiris.

5.Mrs.Sainaba ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to initiate the proceedings based on the letter of the first respondent dated 16.6.2016 in Na.Ka.No.17724/15/A5/Nilgiris for cancellation of document No.240 of 2015 registered before the third respondent.

For Petitioner : Mr.J.Franklin

For Respondents-2&3 : Mr.P.P.Purushothaman,
Government Advocate.

For Respondents-1&4 : Mr.V.Jeevagiridharan

For Respondent-5 : Mr.K.Ashok Kumar

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to initiate the proceedings based on the letter of the first respondent dated 16.6.2016 for cancellation of the document registered in No.240 of 2015 before the third respondent.

2. The learned counsel for the writ petitioner states that the property belongs to the Wakf Board has been illegally registered in favour of the fifth respondent and the Sub-Registrar also without conducting proper verification, registered the said document.

3. The learned counsel for the writ petitioner further states that to cancel the document registered fraudulently, the writ petitioner made a representation to the first respondent, who in turn send the complaint to the District Registrar concerned for conducting an enquiry. However, the complaint forwarded by the Chief Executive Officer, Tamil Nadu Wakf Board to the District Registrar is yet to be considered.

4. In respect of registration of fraudulent documents or impersonation or other irregularities, the District Registrar concerned is competent to conduct an enquiry and pass an order in respect of cancellation of such fraudulent documents registered in violation of law.

5. In respect of the present writ petition, the second respondent-District Registrar, Nilgiris had already received the copy of the complaint from the first respondent, which was originally submitted by the writ petitioner. In this regard, the Inspector General of Registration issued a Circular in letter No.41530/U1/2017 dated 31.7.2018. Accordingly, the District Registrar is empowered to conduct an enquiry by affording reasonable opportunity to all the parties concerned and take a decision and pass orders on merits and in accordance with law.

6. This being the factum of the case, the second respondent/District Registrar is directed to conduct an enquiry in respect of the complaint submitted by the writ petitioner and by providing reasonable opportunity to all the parties concerned and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

17-09-2018

Index : Yes.

Internet : Yes.

Speaking Order.

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To

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The District Registrar,
Nilgiris.

3.The Sub Registrar,
Gudalur.

S.M.SUBRAMANIAM, J.

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