

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.14618 of 2008
and M.P. No.1 of 2008

K.Sulaimankhan Sahib (deceased)

P2.K.S.Parveen Banu .. Petitioner

P2 substituted as LRs of the deceased P1
vide order of this court dated 06.03.2019 made in M.P. No.
1 of 2014 in W.P. No.14618 of 2008

-vs-

1.The Sub Registrar,
Office of the Sub Registrar,
Valavanoor,
Villupuram Taluk and District.

2.V.M.Abdul Samad

Name deleted as per Order of this Court
dated 26.08.2009 in
W.P. No.14618 of 2008

3.The Tamil Nadu Wakf Board,
rep. by the Secretary,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

सत्यमेव जयते.. Respondents

R3 impleaded vide order pf this Court
dated 06.03.2019 made in M.P. No.1 of 2014 in W.P. No.
14618 of 2008

Prayer: Petition filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of
Certiorarified Mandamus, by calling for the records from the
file of the first respondent relating to Na.Ka.No.162/08 dated
04.06.2008, quash the same and consequently direct the first
respondent to register the document of the petitioner bearing
Document No.P 20080030 dated 05.05.2008 and to deliver the
registered document to the petitioner.

For Petitioner : Mr.M.Ramesh

For respondents : Mr.T.M.Pappiah,
Special Government Pleader
for R1

No appearance for R2 & R3

ORDER

The writ has been filed challenging the correctness of the impugned order in Na.Ka.No.162/08 dated 04.06.2008 passed by the first respondent and seeking a direction to register the document of the petitioner bearing Document No.P 20080030 dated 05.05.2008 and to deliver the registered document to the petitioner.

2.Learned counsel appearing for the petitioner submitted that the deceased petitioner is the absolute owner of a punja land measuring to an extent of 85 ½ cents out of 2 acres 11 cents, comprised in A.Pu.Sa.No.23/2, bearing patta No.218, situated at Poovarasankuppam Village, Valavanoor Sub District, Villupuram District. However, the deceased petitioner was in possession and enjoyment of the said property ever since from the date of partition, namely, Deed of Partition dated 27.12.1966 and till the date. Later on, under the Sale Deed dated 30.04.2008 for a sale consideration of Rs.57,000/-, the deceased petitioner sold the said property to and in favour of one Ramesh. In this regard, the said sale deed was presented before the Sub Registrar, Villupuram Taluk and District, the first respondent herein. However, the first respondent called upon the the petitioner and the purchaser to pay a deficit stamp duty of Rs.4,470/- and they have paid the same, but, the first respondent had not registered the document stating that the second respondent had already raised an objection for registering the document by claiming that the property in question belonged to the Wakf Board. Therefore, the deceased petitioner has come to this Court challenging the same.

3.Learned Special Government Pleader appearing for the first respondent would submit that the first respondent, by fixing the date for enquiry, will give notice to the petitioner and Wakf Board and if they come forward to appear for the same, needful would be done, after conducting detailed enquiry.

4.Recording the submission made, the writ petition stands disposed of directing the first respondent to do the needful within a period of eight weeks from the date of receipt of a

copy of this order, after conducting detailed enquiry along with the petitioner and the Wakf Board.

5.Learned counsel appearing for the petitioner sought permission to file a copy of the Patta granted in favour of the petitioner in respect of the land in question, Sale deed and all relevant documents, at the time of conducting enquiry. If the petitioner produces the said documents, the same shall be considered by the first respondent. Consequently, connected M.P. is closed. No costs.

Sd/-

Assistant Registrar(Inspl.cell)

//True copy//

Sub Assistant Registrar

vga

To

1. The Sub Registrar,
Office of the Sub Registrar,
Valavanoor,
Villupuram Taluk and District.
2. The Secretary,
The Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

+1cc to Mr.M.Ramesh, Advocate SR.No.26914

W.P. No.14618 of 2008
and M.P. No.1 of 2008

SAI (CO)
GMY (30/04/2019)

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