

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.07.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P.No.34784 of 2013
and
M.P.Nos.1 and 2 of 2013

T.Aabeetha

..Petitioner

Vs

1.The Inspector General of Registration,
Santhome,
Chennai.

2.The Sub Registrar,
Sooramangalam Taluk,
Salem District.

3.The District Registrar,
Krishnagiri District.

4.The Sub Registrar,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, calling for the records of the 2nd respondent ending with No.xxxx/2013, dated 6.12.2013 and quash the same and consequently direct the 2nd respondent to register the wakf deed dated 6.12.2013 and forward a copy to the 3rd respondent as provided under Section 65 of the Registration Act, 1908.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.P.P.Purushothaman
Government Advocate

O R D E R

Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner, Mr.P.P.Purushothaman, learned Government Advocate for the respondents and perused the materials available on record.

2.The petitioner has come forward with this writ petition seeking for issuance of a writ of certiorarified mandamus, to call for the records of the second respondent dated 6.12.2013

and quash the same and consequently, to direct the second respondent to register the Wakf Deed dated 6.12.2013 and forward a copy to the third respondent as per Section 65 of the Registration Act.

3. It seems that the petitioner presented a draft Wakf Deed before the second respondent for registration of the properties situated at Salem and Krishnagiri District. When the draft Wakf Deed was presented, in which one of the property was situated in Krishnagiri District, the second respondent by the impugned order returned the Wakf Deed and directed the petitioner to approach the Sub Registrar, Krishnagiri for registration.

4. The learned counsel for the petitioner by referring Section 65 of the Registration Act, 1908 would urge that the document cannot be returned and after registering the Wakf Deed an intimation has to be sent to Krishnagiri Office.

5. Per contra, the learned Government Advocate would submit that admittedly, the petitioner presented only draft Wakf Deed and if the original Wakf Deed is presented along with necessary documents, the second respondent is ready to consider the same.

6. In reply, the learned counsel for the petitioner would submit that the petitioner is ready to present the original Wakf Deed for registration before the second respondent.

7. In the light of the above submissions, the order impugned in this writ petition is set aside. The petitioner is directed to present the original Wakf Deed with necessary documents before the second respondent for registration. On such compliance, the second respondent shall consider the same on merits and in accordance with law.

8. With the above observation and direction the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1.The Inspector General of Registration,
Santhome,
Chennai.

2.The Sub Registrar,
Sooramangalam Taluk,
Salem District.

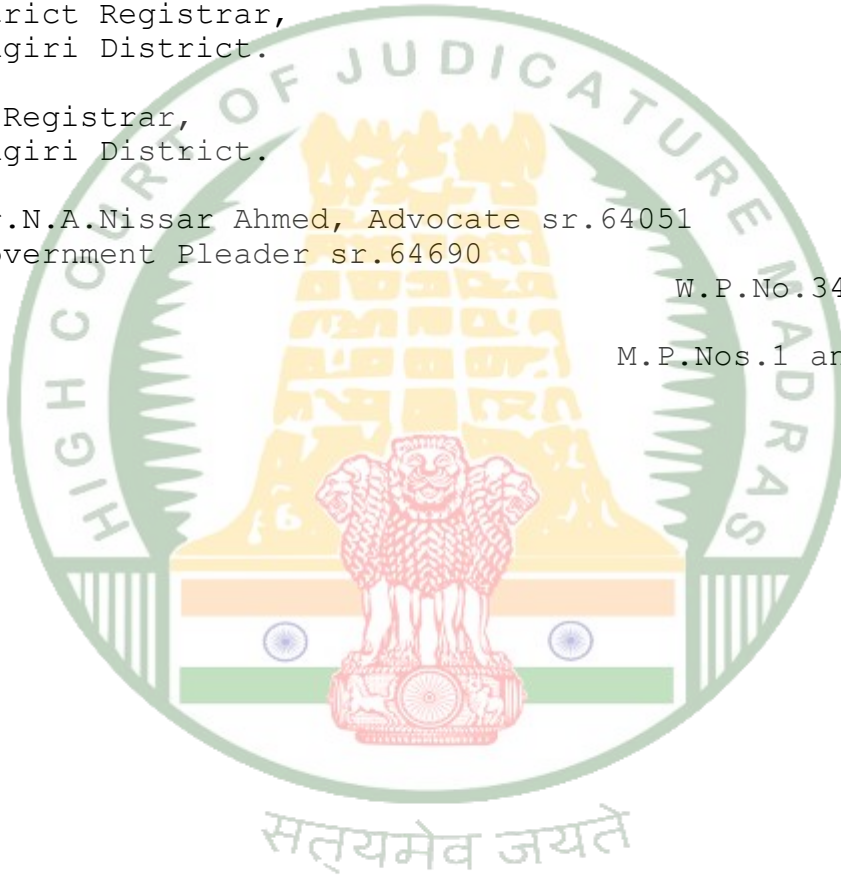
3.The District Registrar,
Krishnagiri District.

4.The Sub Registrar,
Krishnagiri District.

+1cc to Mr.N.A.Nissar Ahmed, Advocate sr.64051
+1cc to Government Pleader sr.64690

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and
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vsnii(co)
nr 15/10/2019



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