

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.11959 of 2018

M.Sundaresan

.. Petitioner

/versus/

1.The Superintendent of Wakfs,
Vellore Zone,
Vellore.

2.The Thasildar,
Walaja Taluk,
Walaja Town,
Vellore District.

3.The Sub Registrar,
Arcot,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the 3rd respondent to register the petitioner's patta land in survey number 200/1E of Hirasathupuram Village, Walaja Taluk, Vellore District without insisting for No Objection Certificate from the 1st respondent.

For Petitioner :Mr.K.Bhasker

For Respondents :Mr.V.Lakshminarayanan,
Standing counsel for R1
Mr.K.Ravi Kumar,
AGP for R2
Mr.T.M.Pappiah,
Spl.GP for R3

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O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 3rd respondent to register the petitioner's patta land in survey number 200/1E of Hirasathupuram Village, Walaja Taluk, Vellore District without insisting for No Objection Certificate from the 1st respondent.

2.The case of the petitioner is that the property in S.No.2001/1E to an extent of 0.32.0 hers (78 cents) was purchased by him under sale deed dated 13.09.1982. Patta was issued in his name under Patta Passbook Act on 30.12.1995 including the property under S.No.200/1E. While so, when the petitioner wanted to settle the property in the name of his son, the 3rd respondent has refused to register the settlement deed informing him that there is an objection from the Wakf Board in registering the property claiming ownership over the property. The objection of the Board dated 29.10.2012 indicates that out of several properties, the Wakf Board has recorded their objection in respect of S.No.200/1 to an extent of 1.33 acres out of 4.10 acres and not the entire extent in S.No.200/1. Whereas the documents of the petitioner indicates that in S.No.200/1E, he own land to an extent of 78 cents in Hirasathupuram Village. When the Wakf Board itself has restricted its claim in S.No.200/1 only to an extent of 1.33 acres out of 4.10 acres, the refusal of the registration by the 3rd respondent, inspite of production of patta issued in favour of the petitioner herein in the year 1995, FM sketch and other documents in respect of 78 cents in S.No.200/1E is totally unreasonable and unfound.

3. In the counter filed by the 3rd respondent, he has stated that the Wakf Board has made an objection for registering any property under S.No.200/1 measuring to an extent of 4.48 acres, which is incorrect and mischievous. The petition of the Wakf Board dated 20.10.2012 addressed to Sub Registrar, Arcot, Vellore is not for the entire extent in S.No.200/1, but only a part of the land in that survey number to the extent of 1.33 acres. Hence, the reason for rejecting the registration and insisting for No Objection Certificate from the first respondent is unwarranted.

4. The 3rd respondent is directed to register the document presented by the petitioner herein, without insisting No Objection Certificate from the first respondent if the document is otherwise in order.

5. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Superintendent of Wakfs,
Vellore Zone,
Vellore.

2.The Thasildar,
Walaja Taluk,
Walaja Town,
Vellore District.

3.The Sub Registrar,
Arcot, Vellore District.

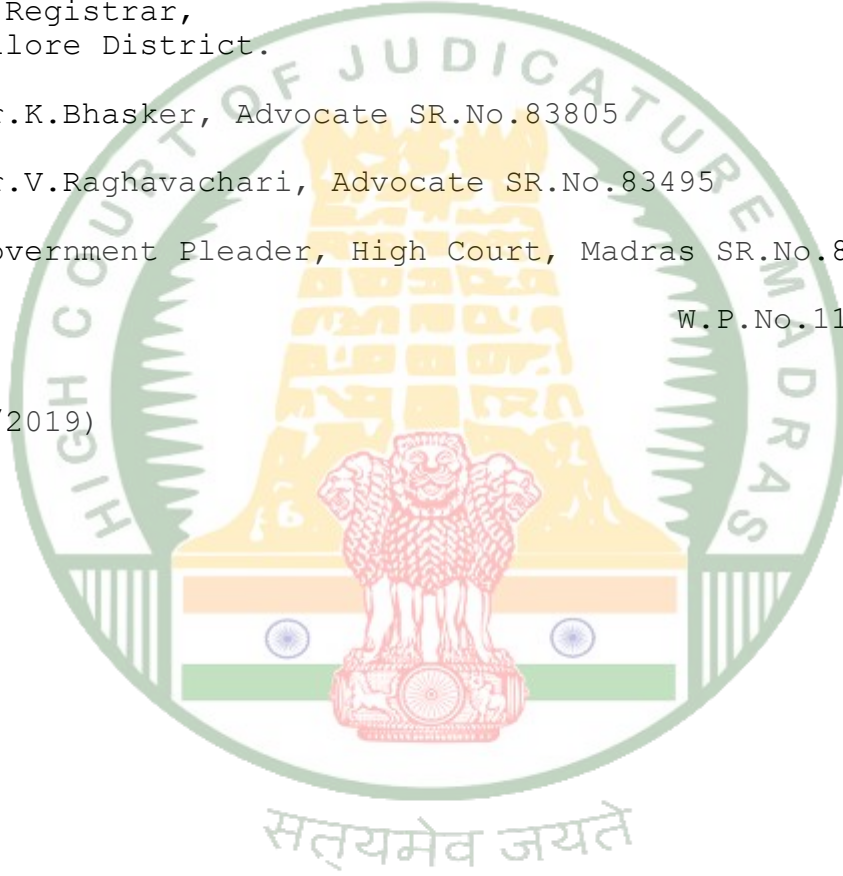
+1cc to Mr.K.Bhasker, Advocate SR.No.83805

+1cc to Mr.V.Raghavachari, Advocate SR.No.83495

+2cc to Government Pleader, High Court, Madras SR.No.84560, 84507

W.P.No.11959 of 2018

PPA (CO)
GMY (05/11/2019)



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