

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 06.02.2019

CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.37097 of 2016
and
W.M.P.Nos.31888 & 31889 of 2016

C. Sanjay Gandhi

.. Petitioner

Vs.

1.The Chief Executive Officer,
Tamilnadu Waqf Board,
No.1, Jaffar Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2.The Inspector of Waqf,
Tamilnadu Waqf Board,
Villupuram District,
Gandhi Road,
Panruti.

3.The District Revenue Officer,
Villupuram.

4.The Joint Sub Registrar No.1,
Villupuram.

5.The District Registrar,
Villupuram.

6.A.Jahir Hussain *
S/o.Abubacker,
President, Managing Committee,
Abesha Tahikka Waqf,
31/15, Singara Thoppu,
Villupuram.

* R6 impleaded vide order dated 27.11.2018
made in W.M.P.No.2731 of 2017
in W.P.No.37097 of 2016

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus calling for the records of the 2nd respondent in his
proceedings in GS 203/SA/வ.ஆ/வியு/2012 dated 24.11.2012 and

ந.க.786.வ.ஆ./விழு.ஆவணம் /2012 dated 03.12.2012 and to quash the same and thereby direct the respondents 4 and 5 to receive and register the document of the petitioner in respect of the property of the petitioner in S.No.347/4 and 347/5 in the approval lay out DDP (SC) No.3/80 dated 04.08.1980 in Plot No.12, Door No.8/12B at Vandimedu, Villupuram.

For Petitioner : Mr.N.Suresh

For RR1 & 2 : Mr.Mohammed Fayaz Ali

For R3 : Ms.R.Janaki
Additional Government Pleader

For RR4 & 5 : Mr.P.Purushothaman
Government Advocate

For R6 : Mr.N.A.Nissar Ahmed

O R D E R

This writ petition has been filed challenging the order in GS 203/SA/வ.ஆ./விழு.2012 dated 24.11.2012 and ந.க.786.வ.ஆ./விழு./ஆவணம் /2012 dated 03.12.2012 passed by the second respondent and to direct the respondents 4 and 5 to receive and register the document of the petitioner in respect of the property of the petitioner in S.No.347/4 and 347/5 in the approval lay out DDP (SC) No.3/80 dated 04.08.1980 in Plot No.12, Door No.8/12B at Vandimedu, Villupuram.

2. The impugned orders, which are filed in the writ petition, are the letters sent by the Inspector of Waqf to the respondents 4 and 5 stating that the properties in the Survey Numbers mentioned therein are the Waqf properties and thus, requested them not to register any document covered under the said Survey Numbers enlisted in the said letters.

3. The case of the petitioner is that he is the owner of the property in S.Nos.347/4 and 347/5 at Vandimedu, Villupuram District having purchased the same for a valid consideration in the year 2007. He has also traced the title from a partition deed dated 02.09.1950.

4. The petitioner has rushed to this Court even before an enquiry could be conducted by the respondents 4 and 5. Merely because the second respondent has issued the letters to the fourth and fifth respondents that certain properties under the Survey Numbers mentioned therein, including the property in S.Nos.347/4 and 347/5 at Vandimedu at Villupuram, belonged to Abesha Thakka Waqf, the petitioner cannot be aggrieved as he

should wait for the Registrar to conduct the enquiry and to peruse the title deed to subjectively satisfy himself about the title of the petitioner.

5. The learned counsel for the petitioner also has filed an additional typeset, in which, a document dated 12.09.2017 obtained from the first respondent under the Right to Information Act is filed. It is a Proforma Report issued by the Superintendent on 12.09.2017 with respect to the sixth respondent/Waqf. It is specifically stated that for the Abi Shah Thakka Waqf in Villupuram, there is no Muthawalli and there are no properties available enabling him to furnish the particulars. It is also stated in Clause No.13 that all the lands have been alienated.

6. Heard the learned counsel appearing on both sides.

7. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to conduct an enquiry in this regard after issuing notice to the petitioner, sixth respondent herein and the persons interested in this regard and also to afford them an opportunity of personal hearing and the document is otherwise in order, register the same in accordance with law. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Chief Executive Officer,
Tamilnadu Waqf Board,
No.1, Jaffar Street,
Vallal Seethakathi Nagar,
Chennai - 1.

2.The Inspector of Waqf,
Tamilnadu Waqf Board,
Villupuram District,
Gandhi Road, Panruti.

3.The District Revenue Officer,
Villupuram.

4.The Joint Sub Registrar No.1,
Villupuram.

5.The District Registrar,
Villupuram.

+1cc to Mr.N.Suresh, Advocate, S.R.No.10894

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.10287

+1cc to Mr.Mohammed Fayaz Ali, Advocate, S.R.No.10176

+1cc to the Government Pleader, S.R.No.11357

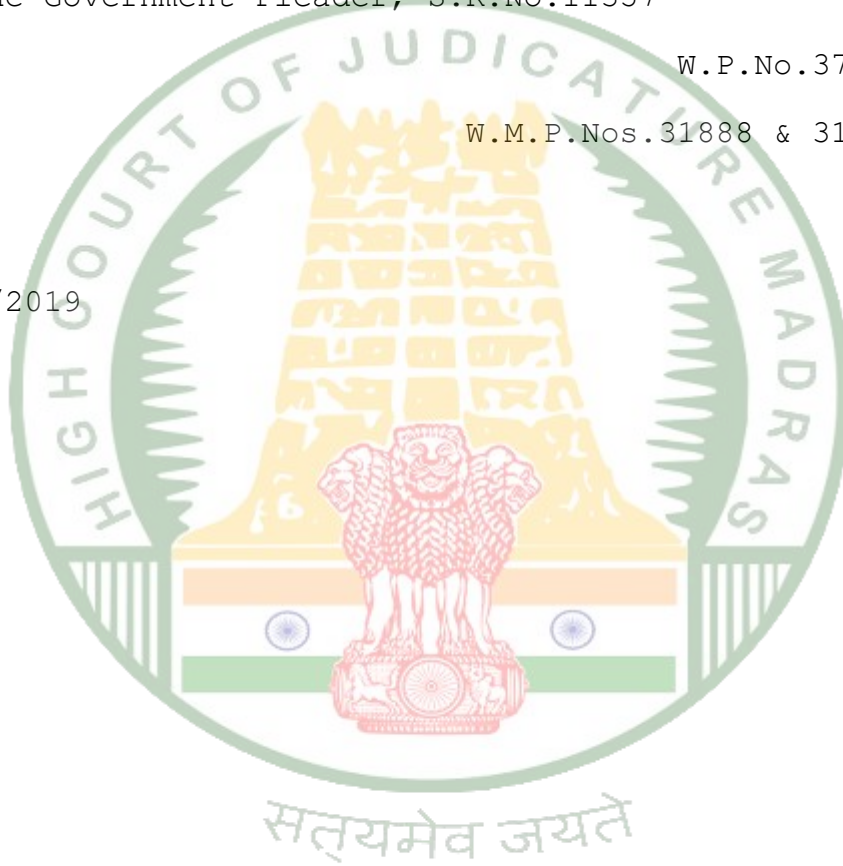
W.P.No.37097 of 2016

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VSNI (CO)

rrs 28/02/2019



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