

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22755 of 2013
and M.P.No.1 of 2013

1.A.Nagarajan

2.Maheswari

... Petitioners

Vs.

1.The Secretary to the Government of Tamil Nadu,
Commercial Tax Department,
Fort St.George,
Chennai - 600 009.

2.The District Registrar,
The District Collector's Office Campus,
Coimbatore - 18.

3.The Sub Registrar,
Palladam Road,
Polachi Road,
Coimbatore District.

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

... Respondents

(R4 impleaded vide order dated 09.10.2013 made in M.P.No.2 of 2013)

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 2 & 3 to register the Sale Deed pertaining to the property situated at Sangampalayam Village comprising Survey No.61/1B1, Sangampalayam Village, Polachi Taluk in the Sub-Registration District of Tiruppur presented by the petitioner.

For Petitioners: Mr.R.Abdul Mubeen

For Respondents: Mr.P.P.Purushothaman,
Government Advocate (R1 to R3)
Mr.S.Haja Mohideen Gisthi (R4)

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 2 & 3 to register the Sale Deed pertaining to the property situated in Survey No.61/1B1, Sangampalayam Village, Polachi Taluk in the Sub-Registration District of Tiruppur presented by the petitioner.

2.It is the case of the petitioners that they have purchased the property on 25.06.2003 under a registered Sale Deed Document Nos.2376 & 2377 of 2003 and when they proposed to sell the property to some third party, the 3rd respondent refused to register the Sale Deed.

3.Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents 1 to 3 submitted that following the judgment of the Division Bench of this Court reported in 2017 (3) CTC 135 [Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and others], wherein the Division Bench of this Court held that in the case of the property belonging to the Temple or Wakf, the Sub Registrar has to issue a notice under Section 22A of the Registration Act to the Temple or Wakf and thereafter decide whether to register the document or not, the 3rd respondent may be directed to issue notice to all the interested parties and decide whether to register the document or not.

4.Mr.S.Haja Mohideen Gisthi, learned counsel appearing for the 4th respondent also submitted that the 4th respondent is entitled to notice under Section 22 A of the Registration Act.

5.In view of the ratio laid down by the Division Bench in the judgment reported in 2017 (3) CTC 135, since it is contended that the property belongs to a Wakf, the 3rd respondent should issue notice under Section 22 A of the Registration Act and thereafter decide whether to register the document or not. Therefore, in the case of the petitioners presenting the Sale Deed for registration, the 3rd respondent is directed to issue notice under Section 22-A of the Registration Act to all the interested parties including the 4th respondent and thereafter, decide whether to register the document or not.

6.With these observations, the Writ Petition is disposed of.
No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

va
To

- 1.The Secretary to the Government of Tamil Nadu,
Commercial Tax Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Registrar,
The District Collector's Office Campus,
Coimbatore - 18.
- 3.The Sub Registrar,
Palladam Road,
Polachi Road,
Coimbatore District.
- 4.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1 CC to Mr.R.Abdul Mubeen, Advocate sr 32324.

W.P.No.22755 of 2013
and M.P.No.1 of 2013

CA(CO)
SP(19/10/2020)

WEB COPY