



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.18989 of 2019

Syed Jabarulla Kathari @ Imran
S/O.Syed Sulaiman Sha Kathiri
4, Syed Kurrukal Pallivasal Street,
Tenkasi Taluk,
Tenkasi Town,
Tirunelveli District.

... Petitioner

Vs

1.The Inspector General,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Registration Office,
Taluk Office Campus,
Tenkasi Town,
Tirunelveli District.

3.The Sub-Registrar,
Registration Office,
Taluk Office Campus,
Tenkasi Town,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 herein to conduct enquiry and cancel registration of documents in Document No.3271/2008 dated 18.09.2008 and in doc No.3439 of 2018 dated 10.09.2018 registered by the 2nd respondent herein by considering the petitioner's representation dated 27.04.2019.



For Petitioner : M/s.A/Banumathy

For Respondents : Mr.V.Anand
Government Advocate

WEB COPY

ORDER

This Writ Petition is filed to direct the first respondent to conduct enquiry and cancel the registration of documents in Document No.3271/2008 dated 18.09.2008 and document in doc No.3439 of 2018 dated 10.09.2018 by the second respondent, by considering the petitioner's representation dated 27.04.2019.

2.Heard M/s.A.Banumathy, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3.According to the petitioner, the petitioner's grandfather created a family Waqf property towards Tenkasi Dharga, by way of registered Waqf deed in document No.3194/1961. Thereupon, the said properties were utilized for the purpose of welfare of Tenkasi Dharga. Thereafter, some of the family members of the petitioner had engaged in various transactions illegally and thereby registered two documents before the second respondent in S.F.No.700/8A in Doc Nos.3271/2008, dated 18.09.2008 and 3439 of 2018, dated 10.09.2018, for the purpose of lease and alienation of waqf property. These properties were under the control of the said waqf board. Regarding the said properties, any transactions could be done only by the Board or after getting permission from the Board. Therefore, the registration of the said documents were done by suppressing the nature of the property, ownership of the property and also against the provision of the Waqf Act. Hence, the said documents are liable to be cancelled.

4.The learned counsel appearing for the petitioner would submit that the petitioner has made a representation dated 27.04.2019 to cancel the registration of the documents to the first and the second respondents. Since no action has been taken, the petitioner is before this Court.

5.The learned Government Advocate appearing for the respondents would submit that for cancellation of the said documents, the petitioner can approach the civil Court and seek his remedy.

6.Considering the submissions made on either side, this Court is of the view that the petitioner has not impleaded the aggrieved person in this writ petition and that the petitioner can approach



the civil Court only. Hence, this Court cannot decide the dispute under Article 226 of the Constitution of India.

7. With the above observation, this Writ Petition stands dismissed. However, the petitioner is at liberty to work out his remedy before the Civil Court in the manner known to law. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General,
Registration Department,
No.100, Santhome High Road,
Chennai.

2. The District Registrar,
Registration Office,
Taluk Office Campus,
Tenkasi Town,
Tirunelveli District.

3. The Sub-Registrar,
Registration Office,
Taluk Office Campus,
Tenkasi Town,
Tirunelveli District.

+1 CC to M/s. Special Government Pleader (SR-13472[F] dated
31/07/2020)

W.P. (MD) No.18989 of 2019
30.07.2020

Ns

SDS (12.08.2020) 3P-5C