



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18710 of 2013

and

M.P.No.1 of 2013

V.Selvi

...Petitioner

Vs

1. The Sub Registrar,
Office of The Sub Registrar No.4,
New Bus Stand Tower Building,
Salem Town,
Salem.

2. Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
Santhome High Road,
Nochikuppam,
Mylapore, Chennai - 600 004.

(R-2 is impleaded as per Order dated 25.01.2017
in M.P.No.2/2013 in W.P.No. 18710 of 2013)

...Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of MANDAMUS directing the Respondent to register and to return the Document bearing No.P.No.200500160/05 to the Petitioner without insisting any "No Objection Certificate".

For Petitioner : Mr.K.Selvaraj

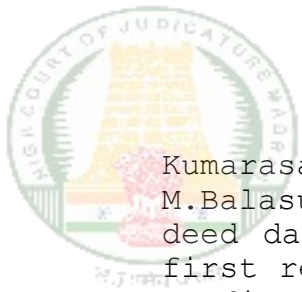
For Respondents R1 : Mr.M.R.Gokul Krishnan
Government Advocate

For R2 : Mr.Mohammed Fayaz Ali

O R D E R

This writ petition has been filed to issue a Writ of Mandamus directing the first Respondent to register and to return the Document bearing No.P.No.200500160/05 to the Petitioner without insisting any "No Objection Certificate".

2. The case of the petitioner is that she purchased the house site admeasuring 0.44 cents comprised in Survey No. 145,



Kumarasampatty Village, Salem District from one M.Balasubramaniam for valuable consideration by registered sale deed dated 13.06.2005 and presented for registration before the first respondent. The first respondent had kept the document as pending in Pending Document Number P.200500160/05 for requiring to pay deficit stamp duty along with the registration charges for the value of the property. Though the petitioner paid the same, the first respondent did not register the document and refused to register the same.

3. While pending the writ petition, the petitioner impleaded the second respondent as party, since the subject property stood in the name of the second respondent.

4. The learned Government Advocate also produced the extract of "A" register and revealed that the subject property stood in the name of the second respondent. Therefore this Court deem it fit to direct the first respondent to conduct enquiry and pass orders.

5. Therefore the first respondent is directed to issue notice to the petitioner and second respondent as well as the vendor of the petitioner i.e. one M.Balasubramaniam and after giving them opportunity of hearing and pass orders on merits and in accordance with law with regards to registration of document which was presented for registration by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

lok/rgi

To

1. The Sub Registrar,
Office of The Sub Registrar,
New Bus Stand Tower Building,
Salem Town, Salem.



2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Santhome High Road,
Nochikuppam,
Mylapore, Chennai - 600 004.

+1cc to M/s.Selvaraj, Advocate, S.R.No.49361

+1cc to the Government Pleader, S.R.No.49741

W.P.No.18710 of 2013

KSM(CO)
RGA(26/10/2021)