



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22437 of 2012

and

M.P.No.1 of 2012

Jeya

...Petitioner

-Vs-

1. The Sub Registrar,
Edapadi
2. The District Registrar,
Salem West
3. The Inspector General of Registration,
Santhome High Road,
Chennai-4
4. The Tamilnadu Wakf Board,
Rep. by the Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1

(R4 impleaded as per order dated
30.08.2012 in MP.No.2 of 2012 in
WP.No.22437 of 2012)

...Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to register and return the document being the sale agreement dated 26.06.2012 to the petitioner without insisting upon any No Objection Certificate.

For petitioner : Mr.N.A.Nissar Ahmed

For Respondents
For R1 to 3 : Mr.M.R.Gokul Krishnan,
Government Advocate

For R4 : Mr.S.Haja Mohideen Gisthi



ORDER

The Writ Petition has been filed to issue a Writ of Mandamus directing the respondents to register and return the document being the sale agreement dated 26.06.2012 to the petitioner without insisting upon any No Objection Certificate.

2. The case of the petitioner is that the property comprised in survey No.258/1 to an extent of 2.34 ½ cents situated at Killmugham Village originally belonged to Lakshi Ammal. Thereafter, in pursuant to the partition suit decree passed in OS.No.191 of 2002 on the file of the District Munsif Court, Sankari, the said property was allotted to the share of late. Balasubramaniam and S.R.A.Palaniappa Baktar. After demise of the said Balasubramaniam, the petitioner is being his wife inherited the said property and entered into agreement for sale dated 26.06.2012 with one, Y.P.K.Sampath to sell the same. However, when the said agreement for sale was presented for registration, the first respondent by the letter dated 26.06.2012 stated that the subject property belongs to Wakf and as such directed the petitioner to obtain no objection certificate from the Tamil Nadu Wakf Board. While pending the writ petition, the Tamilnadu Wakf Board has been impleaded as fourth respondent.

3. Considering the above, the first respondent is directed to conduct enquiry in this regard. Accordingly, the first respondent is directed to issue notice to the petitioner and the fourth respondent herein and conduct enquiry, and after giving them opportunity of hearing and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Registrar,
Edapadi



2. The District Registrar,
Salem West

3. The Inspector General of Registration,
Santhome High Road,
Chennai-4

4. The Chief Executive Officer,
Tamilnadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.48679

+1cc to the Government Pleader, S.R.No.49022

W.P.No.22437 of 2012

GPL(CO)
RGA(12/10/2021)