



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.9375 of 2021

G. Deepak Kumar

.. Petitioner

Versus

1.The Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2.The Secretary,
Tamil Nadu Wakf Board,
No.1, Jafer Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

3.Wakf Superintendent,
Office of the Wakf Superintendent,
Poonamallee Zone,
Periya Pallivasal Campus,
Mosque Street, Poonamallee,
Chennai 600 056.

4.The Joint Sub Registrar IV,
Kancheepuram

.. Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the third respondent to issue No Objection Certificate to the fourth respondent on the basis of the representation given by the petitioner dated 21.02.2021 to remove the objections recorded relating to the lands comprised in Survey No.17 in Arpanancheri Village also known as Arupavacheri Village, Kancheepuram Taluk, Kancheepuram District.

For Petitioner : Mr. K.V. Babu

For Respondents : Mr. C. Sankar for R1
No appearance for R2 to R4

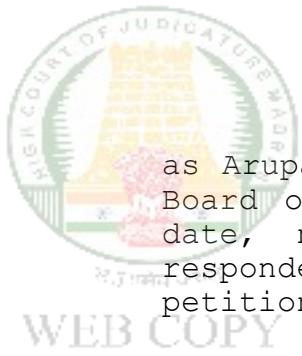


ORDER

The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the third respondent to issue No Objection Certificate to the fourth respondent on the basis of his representation dated 21.02.2021 to remove the objections recorded in the register maintained by the fourth respondent relating to the lands comprised in Survey No.17 in Arpanancheri Village also known as Arupavacheri Village, Kancheepuram Taluk, Kancheepuram District.

2. It is the case of the petitioner that he purchased the land situate at Arpanancheri Village, also known as Arupavacheri Village Kancheepuram Taluk, Kancheepuram District, measuring an extent of 2 acres 40 cents, comprised in Survey No.17 along with his other family members viz., E.Sunitha, R.Sumitra Devi, P.Nemichand Kothari and J.Kunnaram through a registered sale deed dated 28.06.2006 registered as Document No.2570 of 2006 at the office of Joint IV Sub Registrar, Kancheepuram. While so, the petitioner came to know that the third respondent issued a letter dated 21.7.2020 to the fourth respondent herein stating that the lands comprised in Survey No.17, measuring to an extent of 2 acres 40 cents or thereabouts in the said Arpanancheri Village belong to Wakf and requested him not to entertain any registration of documents relating to the said lands as well as other various survey numbers in other villages. On the basis of the said letter dated 21.7.2020, the fourth respondent herein has marked in their Index Register, 'the objection', thereby not allowing any registration to take place with regard to the lands in the said survey number. Later, on enquiry, the petitioner came to know that one Mr. S.Nagore Meeran, Muthavalli of the Isbanthiar Baig Mosque has filed a writ petition in W.P.No.7397 of 2018 seeking for cancellation of Patta issued in favour of third parties in various survey numbers on the ground that those lands belonging to Wakf Board and the said writ petition was disposed of by directing the respondents 2 and 3 therein, to pass appropriate orders considering the representation of the petitioner therein.

3. It is the further case of the petitioner that in the said order passed by this Court, there was no mention about the land in survey No.17 in Apranancheri village also known as Arupavacheri Village. In spite of the same, the third respondent has communicated to the fourth respondent not to entertain any document relating to the lands in the said survey number 17 in the said village, as though this Court has passed an order in respect of the abovestated lands in Survey Number 17 as well. Hence, the petitioner made a representation on 21.2.2021 requesting the respondents 2 and 3 to clarify as to whether the land comprised in Survey No.17, Arpanancheri Village also known



as Arupavacheri Village, Kancheepuram District belonging to Wakf Board or not. It is the grievance of the petitioner that till date, no clarification whatsoever was forthcoming from the respondents 2 and 3 herein, therefore, he has filed this writ petition..

4. The learned counsel for the petitioner submitted that the title to the said land in question could be traced from the year 1929. Further, the Settlement Tahsildar, Chengalput, by proceedings dated 7.4.1971 in Sr.No.2959/70/ TMIA/ACT.30/63/KPM, has ordered to issue Ryotwari Patta under section 8(2)(ii) of the Act 30/1963 in favour of the erstwhile owner of the land namely Mr. E. Krishnan. In fact, as against the order dated 07.04.1971, one Izbandiyar Baig Mosque Sheikpettai, Kancheepuram through its 'Muthavalli filed C.M.A.No.50 of 1971 before the Minor Inams Abolition Tribunal (Sub Court, Chengalput) and it was dismissed on 5.8.1976. When such being the case, the communication addressed by the third respondent dated 21.7.2020 to various Government Agencies including fourth respondent is totally on a wrong footing and untenable in law .

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent. There is no representation for the respondents 2 to 4.

6. Considering the facts and circumstances of the case and having regard to the submissions made on either side, the third respondent is directed to consider the petitioner's representation dated 21.2.2021 to issue No Objection for removal of the objections recorded in the index register of the fourth respondent, relating to the lands comprised in survey No.17 in Arpanancheri Village also known as Arupavacheri Village, Kancheepuram Taluk, Kancheepuram District and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msr/rsh



To

1.The Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
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Chennai 600 001.

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Office of the Wakf Superintendent,
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Periya Pallivasal Campus,
Mosque Street, Poonamallee,
Chennai 600 056.

4.The Joint Sub Registrar IV,
Kancheepuram.

+1cc to M/s.C.Shankar, Advocate Sr No.54198

WP No.9375 of 2021

VSNII (CO)
PR (17/11/2021)