



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.10409 of 2021
and W.M.P.No.11003 of 2021

S.Kathirmani

.. Petitioner

Vs.

1. The Tahsildar,
Veppanthattai Taluk,
Perambalur District.
2. The Sub Registrar,
Office of the Sub Registrar,
Valighandapuram, Perambalur District.
3. The Waqf Inspector,
Perambalur & Ariyalur Districts,
Office of the Superintendent of Waqfs,
Door No.12, Kiledar Street,
Trichy - 620 008.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the second respondent to register any transfer of property including the sale whenever presented by the petitioner in respect of his own lands in Survey No.230/2 to the extent of 9 acres and 35 cents at Ayan Peraiyur village, Veppanthattai Taluk, Perambalur District by way of a Registered Sale Deed, dated 16.05.2002, irrespective of the letter written by the third respondent dated 16.07.2012 and 09.04.2018.

For Petitioner	:	Mr.R.Singaravelan, SC for Mr.M.Rajamani
For Respondents 1 & 2	:	Mr.K.M.D.Muhilan, Government Advocate
For Respondent 3	:	Mr.V.Lakshminarayan

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O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the second respondent to register the document presented by the petitioner.

2. According to the petitioner he is the owner of the property and he wanted to alienate the same and therefore executed a sale deed and presented the same before the second respondent Sub Registrar for registration, but the second respondent refused to register the same on the ground that the third respondent Waqf Board raised objections under Section 22A of the Registration Act, claiming title over the property.

3. Mr.R.Singaravelan, learned senior counsel appearing for the petitioner submitted that there is a dispute between the petitioner and the Waqf Board and considering the objections raised by the Waqf Board, the petitioner has also approached the Waqf Board by filing a representation to consider the claim of the petitioner and pass suitable orders. Based on the said representation, the Waqf Board has also commenced enquiry and the enquiry is still pending.

4. Today when the matter came up for hearing, Mr.V.Lakshminarayan, learned standing counsel appearing for the third respondent Waqf Board submitted that enquiry is pending and the Chief Executive Officer, Tamil Nadu Waqf Board may be directed to proceed with the enquiry and pass suitable orders on merits after hearing the petitioner and also after considering the materials available on record.

5. In the above circumstances, without expressing any opinion on the merits of the case, the Chief Executive Officer of the Tamil Nadu Waqf Board is directed to complete the enquiry after hearing the petitioner and he is also further directed to verify the relevant documents relating to the title of the property and pass suitable orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy//

Sub Assistant Registrar

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To:

1. The Tahsildar,
Veppanthattai Taluk,
Perambalur District.
2. The Sub Registrar,
Office of the Sub Registrar,
Valighandapuram, Perambalur District.
3. The Waqf Inspector,
Perambalur & Ariyalur Districts,
Office of the Superintendent of Waqfs,
Door No.12, Kiledar Street,
Trichy - 620 008.
4. The Chief Executive Officer,
Tamil Nadu Waqf Board.

+1cc to Mr.M.Rajamani, Advocate, S.R.No.33482

W.P.No.10409 of 2021
and W.M.P.No.11003 of 2021

PCH(CO)
SU(17/08/2021)