



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 22567 OF 2021

N. Sikandar Basha

.. Petitioner

Versus

1. State rep. By the
Chief Executive Officer
Tamil Nadu Wakf Board
No. 1, Jaffar Syrang Street
Chennai 600 001

2. The President
The Ameerunnisa Begum Sahiba's Endowment
No. 76, Bharathi Salai
Triplicane, Chennai - 600 005

3. The Sub-Registrar
District Registrar Cadre
Bharathi Salai, Royapettah
Chennai 600 014

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 23.07.2021 to issue NOC in favour of the petitioner entitling the 3rd respondent to register any kind of instrument in respect of the above mentioned property

For Petitioner : Mr. S. Abdul Malik

For Respondents : Mr. G. Krishnaraja
Government Counsel for R3

O R D E R

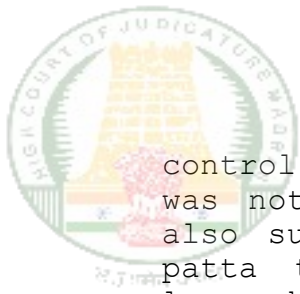
The present petition has been filed for issuance of Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 23.07.2021 to issue NOC in his favour enabling him to get any kind of instrument registered from the office of the third respondent in respect of the



property mentioned in the said representation.

2. According to the petitioner, he is the absolute owner of the house and ground property bearing Old Door No. 32A, 32/1, present Door No. 9, New Door No. 19, as per Property Tax receipt, Door No.19/9, Maroof Sahib Street, Chennai - 600 002, measuring an extent of 918 sq.ft. comprised in O.S.No.329, R.S.No.227, as per Patta R.S.No.199/8, Block No.7 (Patta CA.No.848 of 1999-2000), having been purchased from one K. Banumathi under a sale deed registered as Document No.1400/2015 on the file of SRO, Triplicane, Chennai. The property originally belonged to The Ameerunnissa Begum Sahiba's Endowment, which sold the same to one Khursheed Begum by way of a Sale Deed dated 27.03.1998 registered as Doc. No. 280/1998 and in the said sale deed, it was referred to that the superstructure standing in the leasehold right of the land, was owned and possessed by one Ameena Bi Sahiba, mother of the said Khursheed Begum and she was permitted to purchase the said land, vide order dated 27.02.1976 passed in M.P. No. 146/75 in Ejectment Suit No. 126/74 by the Small Causes Court at Chennai. Subsequently, the said Khursheed Begum sold the said property to Ghouse Basha and Parveen Begum on 30.03.1998 and the same was registered in favour of their two sons namely J. Faiyas and Almas Begum on 15.02.2005 and 21.07.2004 respectively, who intturn, sold the property to one K. Banumathi, vendor of the petitioner on 11.01.2008. While so, the first respondent vide letter in Rc.No.361/2020/B6/Chen dated 30.09.2020 addressed to the second respondent prohibited the sale, gift, exchange, mortgage or transfer of property under Sec. 104A of Wakf Act, 1995 quoting G.O. Ms.No.150 dated 22.09.2020 followed by the letter of Inspector General of Registration in D.O. Lr.No. 39789/C1/2007 dated 19.10.2007. The said letter dated 30.09.2020 issued by the first respondent cited various lands in several survey numbers of Wakf, wherein the petitioner's land was also included with a direction to the registering officers under Section 22-A of the Registration Act, 1908 to the effect that the Wakf properties should not be alienated as it is opposed to public policy. It is based on the aforesaid letter dated 30.09.2020, the third respondent refused to register any instrument presented by the petitioner and directed the petitioner to obtain NOC from Wakf Board. Aggrieved against the said order, the petitioner submitted a representation dated 23.07.2021 to the first respondent and requested for issuance of NOC for his property. However, the said representation was not considered till date. Hence, this Writ Petition.

3. The learned counsel for the petitioner submitted that the prohibition imposed for alienation of the property lawfully purchased by the petitioner is not proper. According to the learned counsel, the lands in various survey numbers under the



control of the Endowment were sub-divided long ago but the same was not taken note of, while imposing the prohibition. It is also submitted that the revenue department has already issued patta to the petitioner as R.S. No. 199/9. Therefore, the learned counsel prayed for issuing appropriate direction to the first respondent to issue No Objection Certificate to the petitioner.

4. Heard the learned counsel for the petitioner and perused the materials placed on record. Considering the limited relief sought herein, this court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 23.07.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The Chief Executive Officer
Tamil Nadu Wakf Board
No. 1, Jaffar Syrang Street
Chennai 600 001
2. The Sub-Registrar
District Registrar Cadre
Bharathi Salai, Royapettah
Chennai 600 014

+2ccs to Mr.S.Abdul Malik, Advocate, S.R.No.54168
+1cc to the Government Pleader, S.R.No.54609

WP No.22567 of 2021

PM(CO)
PM/17/11/2021