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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.24106 OF 2021
AND W.M.P.NO.25406 OF 2021

1.Antonykumar
2.Desaraj

... Petitioners

.Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai - 600 028.

2.The District Registrar
District Registrar Office
Neriperunchal
Tiruppur - 641 602.

3.The Sub-Registrar
Avinashi Registrar Office
Avinashi
Tiruppur.

4.The Superintendent of Wakf
Office of the Zonal Superintendent of Auqaf
Coimbatore Zone
No.15/16, Pallivasal Complex
Avinashi Road
Uppilipalayam
Coimbatore - 648 018.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number.RFL/Avinashi/Book 2/5/2021 dated 06.09.2021 and to quash the same as illegal and incompetent and consequently direct the 3rd respondent to register the sale deed dated 29.09.2015 in Survey Number.245/3A measuring to an extent of 2400 sq.ft., situated at Kaniampoondi Village, Avinashi Taluk, Tiruppur District.



For Petitioners : Ms.R.Shase
For RR1-3 : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

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The Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in refusal No. RFL/Avinashi/Book 2/5/2021 dated 06.09.2021 and to quash the same as illegal and incompetent and consequently direct the 3rd respondent to register the sale deed dated 29.09.2015 in Survey No.245/3A measuring to an extent of 2400 sq.ft., situated at Kaniampoondi Village, Avinashi Taluk, Tiruppur District.

2. Heard, Ms.R.Shase, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

3. The petitioner purchased the property comprised in Survey No. 245/3A admeasuring to an extent of 2400 sq.ft., situated at Kaniampoondi Village, Avinashi Taluk, Tiruppur District for valid sale consideration from one Saraswarthi, the legal heir of the deceased Thirumoorthy, out of total extent of 0.56 cents of land comprised in Survey No.245/3A. The petitioner and his vendors presented the documents for registration on 29.09.2015. However, it was not registered and was kept pending as document No. 108 of 2015 on the file of the third respondent. Though the petitioner repeatedly requested the same, the third respondent had neither registered the document nor returned the same. At last, by the impugned order dated 06.09.2021, returned the document for the reason that the subject property belong to Wakf Board, Coimbtore Region by their letter dated 14.07.2021. Therefore, the document which was presented for registration cannot be registered and it is against the provisions of Section 22A of the Registration Act. The sale deed was presented for registration as early as on 29.09.2015. It was kept pending for the past six years as pending document No.108 of 2015. Only on 14.07.2021, on receipt of the protest petition from the Superintendent of Wakf Board, Coimbatore Region, the impugned order has been passed. That apart, the third respondent, without even conducting any enquiry on the protest petition, had mechanically rejected the document presented for registration. Accordingly, the impugned order is liable to be set aside.

4. In view of the above, the Refusal Check Slip in refusal No. RFL/Avinashi/Book 2/5/2021 dated 06.09.2021 is hereby set aside. The third respondent is directed to conduct enquiry on the protest petition submitted by the Superintendent



of Wakf Board, Coimbatore Region dated 14.07.2021, after issuance of notice to the petitioners as well as the Wakf Board and after giving them an opportunity of hearing and pass orders on merits and in accordance with law with regard to the registration of sale deed presented for registration, within a period of eight weeks from the date of receipt of copy of this order.

5. In the result, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai - 600 028.

2.The District Registrar
District Registrar Office
Neriperunchal
Tiruppur - 641 602.

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Office of the Zonal Superintendent of Auqaf
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No.15/16, Pallivasal Complex
Avinashi Road
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Coimbatore - 648 018.

+lcc to Mr.Guruprasad, Advocate, S.R.No.58302

W.P. No.24106 of 2021
and W.M.P.No.25406 of 2021

GSM(CO)
PM/30/11/2021