



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.12.2021

CORAM

WEB COPY

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN
WP.No.26206 of 2021 and
WMP.No.27661 of 2021

A.R.Mohamed Rafeeq
Rep. by Power of Attorney agent
Aisha Rafeeq

... Petitioner

Vs

1.The Sub Registrar,
Triplicane Sub Registration Office,
182, Barathi Salai (Pycrofts Road),
Royapettah, Chennai-14

2.The District Registrar,
Chennai Central,
268, Barathi Salai, Express Estate,
Royapettah, Chennai-14

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai-28

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

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to register and release the document being the sale deed dated 01.02.2021 to the petitioner without insisting upon no objection certificate from the fourth respondent as laid down by a decision of the Hon'ble Division Bench of this Court reported in 2017(3) CTC 135 in the case of Sudha Ravi Kumar Vs. The Special Commissioner.

For Petitioner : Mr.N.A.Nassar Hussain

For Respondents

For R1 to 3 : Mr.Yogesh Kannadasan,
Special Government Pleader



ORDER

This writ petition is filed for direction directing the respondents 1 to 3 to register and release the document being the sale deed dated 01.02.2021 to the petitioner without insisting upon no objection certificate from the fourth respondent as laid down by a decision of the Hon'ble Division Bench of this Court reported in 2017(3) CTC 135 in the case of Sudha Ravi Kumar Vs. The Special Commissioner.

2. Heard, Mr.N.A.Nassar Hussain, the learned counsel for the petitioner, and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondents 1 to 3.

3. The property situated at Flat No.6, 1st floor with built up area of 1150 sq.ft. together with 405 sq.ft. undivided share in the land out of 2 grounds and 464 sq.ft. situated at door No.19, old door No.5 present door No.7, Vallabha Agraharam Street, Triplicane, Chennai-5 comprised in RS.No.524, old survey No.336, Block No.18, Triplicane, Mylapore belongs to the petitioner's husband by virtue of sale deed dated 25.09.2006 registered vide document No.1461 of 2006 purchased from one Fareeda Begum Sayeeda and others. The petitioner is the power agent of her husband and executed sale deed dated 01.02.2021 in favour of one, C.A.Raja and presented the same for registration before the first respondent. However, the first respondent refused to entertain registration of the sale deed and orally informed that the fourth respondent had informed that the property comprised in RS.No.524, old survey No.336 in Triplicane is a wakf property and not to entertain any document for registration without any no objection certificate from the fourth respondent.

4. Considering the above, if the petitioner presented sale deed for registration, the first respondent is directed to issue notice to the petitioner as well as the fourth respondent and conduct enquiry as contemplated under section 22-A of the Registration Act and pass orders either to register the sale deed presented for registration or reject the same on merits and in accordance with law.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Registrar,
Triplicane Sub Registration Office,
182, Barathi Salai (Pycrofts Road),
Royapettah, Chennai-14
2. The District Registrar,
Chennai Central,
268, Barathi Salai, Express Estate,
Royapettah, Chennai-14
3. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai-28
4. Tamilnadu Wakf Board,
Rep. by Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-1.

+1 cc to Mr.N.A.Nassar Hussain, Advocate Sr.NO. 66304

+1 cc to Government Pleader Sr.NO. 66578

WP.No.26206 of 2021

GP(CO)

A.SK(19.01.2022)