



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26177 of 2021

J.Chandrasekaran

... Petitioner

Vs

1. The Director,
Inspector General of Registration Tamil Nadu,
Santhome High Road,
Pattinappakam,
Chennai - 600 028.

2. The Sub Registrar,
Office of Sub Registrar,
Polur Road, Chetpet,
Polur Taluk,
Tiruvannamalai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to register and return the Document No.P-38/2021 pending on its file in accordance with law.

For Petitioner : Mr.N.Ramesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus, to direct the second respondent to register and return the Document No.P-38/2021 pending on its file in accordance with law.

2. The petitioner owned the property comprised in S.No.13/2B1, ad-measuring an extent of 58 ½ cents, situated at Chetput, Tiruvannamalai District. The petitioner intended to settle the property in favour of his son and executed a settlement deed dated 08.09.2021 and presented the same for registration before the second respondent on 09.09.2021. However, the second respondent kept the settlement deed as pending Document No.P-38/2021 and issued notice to the petitioner to get No Objection Certificate from the Tamil Nadu



Waqf Board, Chennai, for the reason that the said Waqf Board raised objections for registering any document in respect of the property comprised in S.No.13/2B1, situated at Chetput, Thiruvannamalai District.

3. The learned counsel for the petitioner submitted that in fact, part of the land comprised in same survey number, was already acquired by the State Government and the petitioner was duly paid compensation to an extent of 675 sq.mts for extension of road. Therefore, the Tamil Nadu Waqf Board is never the owner of the said property and the subject property is no way connected with the Waqf.

4. Considering the above facts and circumstances, the second respondent is directed to conduct enquiry under Section 22-A of the Registration Act, after issuance of notice to the petitioner and the Tamil Nadu Waqf Board and after giving an opportunity of hearing to them, pass orders either to register the settlement deed dated 08.09.2021 or reject the same within a period of four weeks from the date of receipt of a copy of this order.

5. In view of the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Inspector General of Registration Tamil Nadu,
Santhome High Road,
Pattinappakam, Chennai - 600 028.
2. The Sub Registrar,
Office of Sub Registrar,
Polur Road, Chetpet,
Polur Taluk, Tiruvannamalai.

Copy to:

The Tamil Nadu Waqf Board,
Chennai.

+1cc to Mr.N.Ramesh, Advocate, S.R.No.65895

+1cc to the Government Pleader, S.R.No.66112

W.P.No.26177 of 2021

NR(CO)

SB(04/01/2022)