



W.P. No.23095 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.16263 & 23095 of 2010
and MP.No.1 of 2010

R.Raja

.. Petitioners in both the writ petitions

Vs.

The Joint Registrar-2,
Kanjiwaram High Road,
Chengalpattu-603 302.

.. Respondents in W.P.No.16263 of 2010

1. The Joint Registrar-2,
Kanjiwaram High Road,
Chengalpattu-603 302.

2. The Tamil Nadu Wakf Board,
Thiruvanmiyur, Chennai-41.

.. Respondents in W.P.No.23095 of 2010

Prayer in W.P.No.16263 of 2010: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records of the respondent in order dated 09.03.2010 quash the same and consequently direct the respondent to register and release the document dated 11.11.2002 pending registration number P 391/02 to the property in Old T.S.No.1219/3A and T.S.No.1219/3A1 measuring about 30



W.P. No.23095 of 2010

cents in Village No.226, Natham B Block, Chengalpattu Taluk,
Kancheepuram District.

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Prayer in W.P.No.23095 of 2010: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records of the respondent in order dated 09.03.2010 quash the same and consequently direct the respondent to register and release the document dated 03.08.2009 pending registration number P 104/2009 related to the property in Old T.S.No.1219/3A and T.S.No.1219/3A part, measuring about 30 cents in Village No.226, Natham B Block, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr. S.Ravikumar (in both the cases)

For Respondents : Mr. Yogesh Kannadasan
Spl. GP. (in both the cases)

COMMON ORDER

Since the issue involved in both the matters and the facts are one and the same. Therefore, both the petitions are disposed of by way of common order.



W.P. No.23095 of 2010

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2. These writ petitions have been filed seeking to quash the orders dated 09.03.2010 on the file of the Joint Registrar-2, Chengalpattu and direct the respondent to register and release the document, which were submitted by the petitioner.

3. The case of the petitioner is that the petitioner purchased the lands from one Rajmohan and Nasimunnisa and others. The petitioner submitted the sale deeds dated 03.08.2009 and 11.11.2002 for registration before the office of the Joint Registrar-2, Chengalpattu and the petitioner has paid the stamp fee as per the guideline value and the respondent, after verification, completed the registration formalities. Thereafter, the respondent refused to release the documents and informed that the petitioner had failed to submit a NOC from the Wakf Board as per G.O.Ms.No.150. According to the petitioner, the aforesaid property was owned by the private persons not by the Wakf Board. Therefore, the petitioner made a representation to the respondent to release the document on 02.07.2009. On 09.03.2010, the respondent has passed the impugned order based on the



W.P. No.23095 of 2010

alleged letter received from the Wakf Board, denying the registration of documents on the ground that NOC from the Wakf Board was not produced by the petitioner. Without having no other alternative remedy, the present writ petitions have been filed before this Court to quash the impugned order dated 09.03.2010.

4. The learned counsel for the petitioner submitted that in respect of the very same dispute, the petitioner has filed a second appeal in S.A.No.697/2011 before this Court and the same is pending. However, this Court may close these writ petitions and to grant liberty to the petitioner to file appropriate petition before the competent forum after disposal of the second appeal.

5. Heard, learned counsel for the petitioner, the learned Special Government Pleader appearing on behalf of the respondent and perused the materials available on records.

5. Considering the fact that the petitioner has filed a second



W.P. No.23095 of 2010

appeal before this Court with regard to the similar dispute. In order to avoid multiple proceedings, this Court grants liberty to the petitioner to file appropriate application/petition before the competent forum after disposal of the second appeal, which is pending before this Court.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

17.02.2022

Index : Yes
Internet : Yes

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To

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Chengalpattu-603 302.

2. The Tamil Nadu Wakf Board,
Thiruvannamiyur, Chennai-41.



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W.P. No.23095 of 2010

M.DHANDAPANI, J.

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W.P. Nos.16263 & 23095 of 2010
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