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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NO.18045 OF 2021

AND

WMP.NO.19272 OF 2021

Abudhahir

...Petitioner

Vs

1.The Joint Sub Registrar-I,
Villupuram

2.The District Registrar,
Villupuram

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai

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 first respondent to register and release the memorandum of deposit of title deed dated 10.08.2021 vide T.P./104255672/2021 to the petitioner.

For Petitioner : Mr.I.Kowser Nissar

For Respondents

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

For R4 : Mr.Haja Mohideen Gisthi

ORDER

This writ petition is filed for direction directing the first respondent to register and release the memorandum of deposit of title deed dated 10.08.2021 vide T.P./104255672/2021 to the petitioner.



2. Heard, Mr.I.Kowser Nissar, the learned counsel for the petitioner, Mr.Yogesh Kannadasan, Special Government Pleader appearing for respondents 1 to 3, and Mr.Haja Mohideen Gisthi appearing for the fourth respondent.

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3. The property comprised in survey No.354/1-3 situated at door No.10, Umarchanpettai Street admeasuring 878 3/4 sq.ft. owned by the petitioner by virtue of release deed dated 03.12.2019 registered vide document No.3898 of 2019. Originally the said property was purchased by his father by registered sale deed dated 30.05.1994 vide document No.804 of 1994 from one, Kasthuri. After demise of the petitioner's father, the other legal heirs have released their respective rights in favour of the petitioner. When the petitioner intended to mortgage the property by way of deposit of title deeds, the first respondent refused to register the same and kept the memorandum of deposit of title deed as pending document for the reason that the fourth respondent raised objections for registration of any of the deed of conveyance in respect of the property comprised in survey Nos.354/1, 354/2, 102/A1, B, 100/1, 110/2, 114 and 112 to an extent of 3 acres and 12 cents belong to wakf. However, the first respondent did not conduct any enquiry and simply kept the document pending for the past several months.

4. Considering the above, the first respondent is directed to conduct enquiry as contemplated under Section 22-A of the Registration Act after issuance of notice to the petitioner and the fourth respondent and, after giving them opportunity of hearing, pass orders either to register the memorandum of deposit of title deed dated 10.08.2021 or to reject the same within a period of six weeks from the date of receipt of copy of this order.

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-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Joint Sub Registrar-I,
Villupuram



2.The District Registrar,
Villupuram

3.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai

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

+1cc to M/s.N.A.Nissar Ahamed, Advocate Sr.No.3608

+1cc to the Government Pleader Sr.No.3697

W.P.No.18045 of 2021

SMI (CO)
RVM(07/02/2022)