



WEB COPY



W.P.No.30993 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.30993 of 2022

E.Eswari

... Petitioner

Vs

- 1.The Sub Registrar,
Office of the Sub Registrar,
Perundurai, Erode District – 638 052.
- 2.The Inspector General of Registration,
100, Santhome High Road, Chennai – 600 028.
- 3.The Chief Executive Officer,
Tamil Nadu Waqf Board,
1, Jaffar Syrang Street, Vallal Seethakathi Nagar,
Chennai – 600 001.
- 4.The Special Secretary,
Tamil Nadu Bhoodan Board,
Office of the Commissioner for Land Reforms,
Ezhilagam, Chepauk,
Chennai – 600 005.
- 5.District Revenue Officer,
Collectorate Campus,
Erode District – 638 011.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for



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issuance of a Writ of Mandamus, directing the 1st respondent to obtain No Objection Certificate from the respondents 3 to 5 in respect of the property comprised in R.S.No.199/5 (Natham R.S.No.475/19), situated at Nasiyanur Village, Perundurai Sub Registration District, Erode Taluk, Erode District and register the pending Sale Deed dated 23.09.2022 executed by the I-Additional Subordinate Judge, Erode in favour of the petitioner pursuant to the Judgment and Decree dated 13.09.2019 in E.P.R.No.51 of 2021 in O.S.No.858 of 2018 and return the original document to the petitioner after considering the representation of the petitioner dated 17.10.2022.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to obtain No Objection Certificate from the respondents 3 to 5 in respect of the property comprised in R.S.No.199/5 (Natham R.S.No.475/19), situated at Nasiyanur Village, Perundurai Sub Registration District, Erode Taluk, Erode District and register the pending Sale Deed dated 23.09.2022 executed by the I-Additional Subordinate Judge, Erode in favour of the petitioner pursuant to the Judgment and Decree dated 13.09.2019 in E.P.R.No.51 of 2021 in



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O.S.No.858 of 2018 and return the original document to the petitioner after considering the representation of the petitioner dated 17.10.2022.

2.The case of the petitioner is that the petitioner is the owner of the property comprised in R.S.No.199/5 (Natham R.S.No.475/19), sitated at Nasaiyanur Village, Perundurai Sub Registration District, Erode. While so, the petitioner filed a suit in O.S.No.858 of 2018 on the file of the I-Additional Subordinate Court, Erode, against one M.Shanmugam and Sathish seeking specific performance directing the defendants therein to execute the Sale Deed in favour of the petitioner after receiving the balance sale consideration in the suit property and the same was decreed in favour of the petitioner herein vide order dated 13.09.2019. Thereafter, the petitioner filed an Execution Petition in E.P.R.No.51 of 2021 before the I-Additional Subordinate Court, Erode, and the Execution Court has duly received the Sale Deed dated 23.09.2022 executed by the defendants therein. Thereafter, the petitioner submitted the said document for registration in respect of the aforesaid property, on the file of the 1st respondent. However, the 1st respondent refused to entertain the said document and informed orally, on the ground that the said property belong to the Waqf Board. The said oral



rejection was contrary to the judgment passed in O.S.No.858 of 2018 dated 13.09.2019. Hence, the present Writ Petition is filed.

3.The learned counsel for the petitioners submits that it would suffice if this Court issues direction to the 1st respondent to entertain the document presented before the 1st respondent and pass appropriate orders to enable the petitioner to work out the remedy in the manner known to law within a particular time frame fixed by this Court.

4.Learned Government Advocate appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent entertain the documents presented by the petitioner through online, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of the application.



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6. Accordingly, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Speaking Order : Yes/No
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M.DHANDAPANI,J.

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