



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4393 of 2022

and

W.M.P.[MD]No.3703 of 2022

WEB COPY

S.Sathak Abdul Kaiuoom

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Registrar,
O/o. The District Registrar,
Ramanathapuram.
- 3.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.
- 4.The Sub-Registrar Office,
Keelakkarai,
Ramanathapuram District.
- 5.The Wakf Inspector,
O/o. The Wakf Inspector,
The Wakf Board,
Ramanathapuram.
- 6.Kadar Sahib Family Trust,
Rep. by its Managing Director S.J.Kadar Sahibu,
S/o. Syed Jamalludin,
No.112, Mahalakshmi Nagar,
Padiyanallur, Chennai - 600 052.
- 7.S.J.Kadar Sahibu
- 8.Usvathun Hasana Muslim Sangam,
Rep. by its Secretary Janab Sathak Ansari,
S/o. Janab N.D.S.Sahul Hammed,
Melatheru,
Keelakkarai,
Ramanathapuram District - 623 517.



9. Janab Sathak Ansari

10. The Secretary,
Odaikara Pallivasal,
Salai Road,
Keezhakarai,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to cancel the sale deed executed by the sixth respondent in favour of the eighth respondent registered with the fourth respondent vide sale deed dated 24.09.2019 under Document No.1814 of 2019 as against public policy, under Section 77A of Registration Act, in the light of the G.O.Ms.No.150, dated 22.09.2000, Commercial Taxes (J2) Department.

For Petitioner : Mr.K.R.Laxman
For Respondent No.1 : Mr.T.Amjad Khan
Government Advocate
For Respondents 2 to 4 : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to cancel the sale deed executed by the sixth respondent in favour of the eighth respondent, registered with the fourth respondent vide sale deed dated 24.09.2019 under Document No.1814 of 2019 as against public policy, under Section 77A of Registration Act, in the light of the G.O.Ms.No.150, dated 22.09.2000, Commercial Taxes (J2) Department based on the petitioner's representations dated 27.01.2022, 05.02.2022 and 07.02.2022, within a time frame to be fixed by this Court.

2. The case of the petitioner is that the subject matter of the property involved in the sale deed dated 24.09.2019 registered as Document No.1814 of 2019 is a Wakf property and it belongs to the tenth respondent. Therefore, the petitioner has sought for cancellation of the said document and has given the aforementioned representations to the official respondents. Since the said representations have not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.K.R.Laxman, learned Counsel for the writ petitioner, Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the first respondent and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the



respondents 2 and 4.

4.No prejudice would be caused to the official respondents if the representations of the petitioner are considered on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 6 to 10 and any other necessary party whom the second respondent deems fit to enquire. The petitioner claims that the property involved in the sale deed dated 24.09.2019 registered as Document No.1814 of 2019 is a Wakf property. He has also produced G.O.Ms.No.150, Commercial Taxes (J2) Department dated 22.09.2000, to substantiate his claim that the subject property is a Wakf property belonging to the tenth respondent Wakf.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representations dated 27.01.2022, 05.02.2022 and 07.02.2022, requesting the second respondent to cancel the sale deed dated 24.09.2019 registered as Document No.1814 of 2019 on the file of the fourth respondent and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the respondents 6 to 10 including any other party whom the second respondent deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.



2.The District Registrar,
O/o. The District Registrar,
Ramanathapuram.

3.The Chairman,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

4.The Sub-Registrar Office,
Keelakkarai,
Ramanathapuram District.

5.The Wakf Inspector,
O/o. The Wakf Inspector,
The Wakf Board,
Ramanathapuram.

+1 CC to M/s.SPL GP (SR-11802 & 11841[F] dated 14/03/2022)

ORDER MADE IN
W.P. [MD]No.4393 of 2022
11.03.2022

ck(CO)
TR(25.03.2022) 4P 7C