



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25171 of 2023

R.Krishnaswamy

...Petitioner

Vs

1.The District Collector,
Chengalpattu District,
Chengalpattu – 603 001.

2.Sub-Registrar,
No.35, Kammala Street,
Thirukazhukundram,
Thirukazhukundram Taluk,
Chengalpattu District – 603 009.

3.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jabbar Sirang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to declassify the land in Survey No.139/108 in Sathurangapattinam Village, Thirukazhukundram Taluk, Chengalpattu District as per the



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Thirukazhukundram Thasildar report Na.Ka.3322/2022/A2 dated March 2023 as Grama Natham in Revenue Record and consequently direct the second respondent to receive and register the partition deed of the petitioner.

For Petitioner : Mr.S.T.Varadarajulu
For R1 & R2 : Mr.Sanjay Gandhi
Government Advocate
For R3 : Mr.Haja Mohideen Gisthi

ORDER

The relief sought for in the present writ petition is to direct the first respondent to de-classify the land in Survey No.139/108 in Sathurangapattinam Village, Thirukazhukundram Taluk, Chengalpattu District as per the Thirukazhukundram Thasildar report Na.Ka.3322/2022/A2 dated March 2023 as Grama Natham in Revenue Record and consequently direct the second respondent to receive and register the partition deed of the petitioner.

2.The petitioner presented a partition deed for registration before the second respondent Sub-Registrar. The second respondent refused to receive the document on the ground that the subject property is a wakf property and



an objection was already filed by the Tamil Nadu Wakf Board. Under Section 22A of the Registration Act, the registering authority is empowered to refuse the document if there is an objection from the Government or the Tamil Nadu Wakf Board.

3.The learned counsel for the petitioner made a submission that the property belonging to the petitioner is not falling under the wakf property and the Tahsildar in this regard submitted a letter to the Tamil Nadu Wakf Board in March 2023. Therefore, the second respondent is to be directed to receive the partition deed for registration.

4.The Tahsildar is incompetent to adjudicate the title or ownership with reference to the subject property. The Tamil Nadu Wakf Board raised an objection and that being the factum, the aggrieved persons have to approach the Wakf Tribunal under Section 83(1) of the Wakf Act for the purpose of resolving the issues. If at all the petitioner claims title or ownership, the documents and evidences are to be produced which is to be verified along with the documents available with the Tamil Nadu Wakf Board. At the outset, the status of the property is to be determined by way of



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an adjudication before the Wakf Tribunal under the provisions of the Wakf Act. High Court cannot form an opinion with reference to the title of the petitioner and issue direction to register the partition deed. Thus the petitioner is at liberty to approach the Wakf Tribunal for the purpose of resolving the dispute in the manner contemplated.

5. With this liberty, the writ petition stands disposed of. No costs.

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cse

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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