



W.P. (MD) No. 21681 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 21681 of 2022

and

W.M.P. (MD) Nos. 15816 and 15817 of 2022

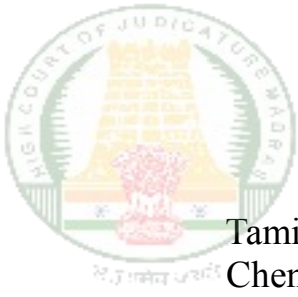
A.Guha Priya

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No. 120, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
O/o. Deputy Inspector General of Registration,
Trichy – 620 020.
- 3.The District Registrar (Admin),
Registration Department,
Trichy,
Trichy District.
- 4.The Sub-Registrar,
Uraiyur, Trichy,
Trichy District.
- 5.The Chief Executive Officer,

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Tamil Nadu Wakf Board,
Chennai – 1.

6. The Wakf Superintendent,
Tamil Nadu Wakf Board,
Trichy Zone,
No.8/124, 2nd Floor,
Qaide Millath Road,
Palakarai, Trichy District.

7. The Tahsildar,
Trichy West,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 6th respondent in his proceedings in Na.Ka. G.S.No. 535/Trichy/V.Ka/Trichy/2020 dated 31.08.2020 and quash the same as illegal and consequently directing the 2nd respondent to remove the register as Government Wakf Board land in respect of the land in S.No.137/1, T.S.No. 39, admeasuring 1.52 acres, Block 3, Ward J, Uyyakondan, Thirumalai Village, Uraiyr Taluk, Trichy District and directing the respondents 1 to 4 to restore the same in the name of the petitioner based on the communication of the 7th respondent in his proceedings in O.Mu.A1/1373/2021 dated 03.09.2021 within a time frame fixed by this Court.

For Petitioner : Mr. B.Saravanan

For Respondents : Mr. D.Gandhiraj (R1 to R4, R7)



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Special Government Pleader

Mr. D.S.Haroon Rasheed (R5 & R6)

Standing Counsel

ORDER

Heard Mr. B.Saravanan, Learned Counsel for the Petitioner, Mr. D.Gandhiraj, Learned Special Government Pleader for the First to Fourth and Seventh Respondents, and Mr. D.S.Haroon Rasheed, Learned Counsel for the Fifth and Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims that the land in S.No. 137/1, T.S. No. 39, admeasuring 1.52 acres, Block 3, Ward J, Uyyakondan, Thirumalai Village, Uraiur Taluk, Trichy District, which was purchased by the paternal grand father of the Petitioner, viz., Viswanathapillai, by registered sale-deed dated 13.05.1938 and after his death, his legal heirs viz., Balasundarammal and Sitharaman, who are his wife and son respectively had succeeded his estate and after their death, the property devolved upon the Petitioner, who is now in possession of the same. However, the Fifth and Sixth Respondents,



without any supporting material, had claimed ownership of the said property as if it was belonging to Waqf before the First to Fourth Respondents, as a consequence of which the Petitioner has been denied of the right to deal with the said property quoting Section 22-A of the Registration Act, 1908 (Central Act 1908). In that backdrop, the Writ Petition has been filed for directing the Respondents to remove the wrong entry of ownership of the said property as belonging to Waqf and restore the name of the Petitioner in the land records.

3. In furtherance to the earlier orders passed by this Court, the Tahsildar, Tiruchirappalli (West), who is the Seventh Respondent has filed a status report dated 03.02.2023, after due enquiry stating that there is nothing to show that the said property belongs to any Waqf and that the name of Balasundarammal has been recorded as the owner of the property in S.No.137/1, T.S.No. 39, admeasuring 1.52 acres, Block 3, Ward J, Uyyakondan, Thirumalai Village, Uraiur Taluk, Trichy District.

4. At this juncture, reference must be made to the manner in which a claim made by religious institutions under Section 22-A of the Registration Act, 1908 (as amended in the State of Tamil Nadu) has to be dealt by the



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Registering Authority as held by the Division Bench of this Court in the decision in ***Sudha Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai*** reported in [(2017) 3 CTC 135].

5. Having regard to the aforesaid legal position viz-a-viz, the aforesaid status report dated 03.02.2023 filed by the Seventh Respondent, it shall be incumbent upon the First to Fourth Respondent to take necessary further action after due notice to the Petitioner and the Fifth and Sixth Respondent to make necessary correction in the entries relating to the ownership of the property in S.No.137/1, T.S. No. 39, admeasuring 1.52 acres, Block 3, Ward J, Uyyakondan, Thirumalai Village, Uraiyur Taluk, Trichy District and complete such exercise by 30.06.2023 and file report of compliance before the Registrar (Judicial) of this Court. It is needless to add here that if the Petitioner still has any further grievance, she is not precluded from working out her remedies before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid clarifications. Consequently, connected Miscellaneous Petitions are closed. No costs.

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03.02.2023

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy by 23.06.2023

TO:

- 1.The Inspector General of Registration,
No. 120, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
O/o. Deputy Inspector General of Registration,
Trichy – 620 020.
- 3.The District Registrar (Admin),
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Trichy,
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- 4.The Sub-Registrar,
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P.D.AUDIKESAVALU,J.

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