



W.P.(MD)No.16789 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :03.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

W.P.(MD).No.16789 of 2015

and

M.P.(MD).No.1 of 2015

O.Rajendran

... Petitioner

Vs.

- 1.The Chief Executive Officer,  
Tamil Nadu Wakf Board,  
No.1,Jabar Sirang Street,  
Vallal Seethakathi Nagar,  
Chennai-1.
- 2.The Superintendent of Wakf,  
Tamil Nadu Wakf Board,  
No.1, Town Hall Road,  
Mosque Campus 2<sup>nd</sup> Floor,  
Madurai-1.
- 3.The District Registrar,  
Periyakulam,  
Theni District.
- 4.The Sub Registrar,  
Chinnamanur Sub Registrar Office,  
Theni District.



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5.Meerangani Pallivasal Dharga,  
Through its President,  
Syed Abuthagir,

... Respondents

***(R5 is impleaded vide Court order dated 23.01.2020 made in W.M.P. (MD).No.15663 of 2016 by SSSRJ)***

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third and fourth respondents to register documents in respect of the property comprised in Survey No.499 situated in Chinnamanur Village, Uthamapalayam Taluk, Theni District.

For Petitioner :Mr.R.Mohana Sundaram

For Respondents :Mr.S.A.Ajmalkhan  
Standing Counsel for R1 & R2

:Mr.M.Ramesh  
Government Advocate for R3 & R4

:Mr.P.M.Vishnuvardhan for R5

### **ORDER**

This writ petition has been filed seeking for a Mandamus, directing the third and fourth respondents to register the documents in respect of the property comprised in Survey No.499, situated in Chinnamanur Village, Uthamapalayam Taluk, Theni District.



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2. The learned counsel for the petitioner would submit that originally one Subbaiyer had purchased the property comprised in Survey No.499 in Chinnamanur Village, through Court auction sale as early as in the year 1913. On 06.03.1919, the petitioner's great grandfather namely, Ochathevar, son of Mayathevar had purchased an extent of 2 acres 81 cents, from the said Subbaiyer and registered in Document No.2899 of 1919. On 07.03.1922, he has also purchased another extent of 1 acres 19 cents from the wife of said Subbaiyer under the registered document by a Document No.1047 of 1922. Thereafter, the petitioner's family has been in possession and enjoyment of the said property. A partition has also been effected by the petitioner's family under registered partition deed which bears Document No.976 of 1990. Thereafter, various transactions have also taken place by execution of sale deed in the year 2001, settlement and release deeds in the year 2009 and 2010. In fact, a portion of the land was also acquired for the purpose by the National Highways Department and compensation has also been awarded. During the said proceedings, the claim of the first and second respondents wakf board has been rejected by the authority and has become final as between the parties. However, when he had approached the fourth



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respondent for registration of a settlement deed, kept the said document as a pending document and had assigned Document No.13/13. He had proceeded to issue notice even to the first and second respondent and the document is still kept pending. Therefore, he had approached this Court by filing this writ petition.

3. The learned counsel for the first and second respondents would submit that the property belongs to the Wakf Board and property belong to a wakf namely, Meerangani Pallivasal Dharga, who is the fifth respondent herein. Therefore, the petitioner cannot execute any document in respect to the said property and the fourth respondent also cannot entertain any such registration in view of Section 22(A) of the Tamil Nadu Registration Act.

4. I have heard the rival submissions made on either side.

5. It is an admitted fact that the petitioner had presented the document for registration and the same has been kept as a pending document bearing No.13/13. Whatever may be the case, the fourth



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respondent ought to have either entertained the documents or have passed an order, rejecting to register the document and record reasons whatsoever as mandated under Section 71 of the Act. If such an order is passed, it is always open to the parties to agitate their rights before the appropriate forum. In this case, the fourth respondent had not made any orders under Section 71 of the Act. Hence, there shall be a direction to the fourth respondent to either entertain the registration or to pass orders as under Section 71 of the Act within a period of eight weeks from the date of receipt of a copy of this order, after hearing all necessary parties concerned.

6. With the aforesaid observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**03.03.2023**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes/No

*sbn*



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To

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- 2.The Superintendent of Wakf,  
Tamil Nadu Wakf Board,  
No.1, Town Hall Road,  
Mosque Campus 2<sup>nd</sup> Floor,  
Madurai-1.
- 3.The District Registrar,  
Periyakulam,  
Theni District.
- 4.The Sub Registrar,  
Chinnamanur Sub Registrar Office,  
Theni District.
- 5.The Sub-Inspector of Police,  
Silaiman Police Station,  
Madurai District.



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**K.KUMARESH BABU, J.**

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