



W.P.(MD).No.19735 & 23380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 29.09.2023

PRONOUNCED ON : 10.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.19735 & 23380 of 2023

W.P.(MD).No.19735 of 2023

Kavitha

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
George Town,
Chennai-600 001.

2.The Superintendent of Wakf
Board,
No.8/124, II Floor,
Kayithe Millath Road,
Palakari, Trichy.

... Respondents



W.P.(MD).No.19735 & 23380 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue No Objection Certificate to the petitioner for the registration of the properties, situated in Survey Nos.561/2A, 563/1A and 563/2, Thanthonimalai Village, Karur Taluk, Karur District, as averred in the petitioner's representation dated 01.07.2023, within a time frame, as fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.S.A.Ajmal Khan,

Standing Counsel

W.P.(MD).No.23380 of 2023

Dharmalingam

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Vallal Seethakathi Nagar,
George Town,
Chennai-600 001.

2.The Superintendent of Wakf
Board,
No.8/124, II Floor,
Kayithe Millath Road,
Palakari, Trichy-620 008.

... Respondents



W.P.(MD).No.19735 & 23380 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue No Objection Certificate to the petitioner for the registration of the properties, situated in Survey Nos.561/2, 563/1 and 563/2, Thanthonimalai Village, Karur Taluk, Karur District, as averred in the petitioner's representation dated 09.09.2023, within a time frame, as fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.S.A.Ajmal Khan,

Standing Counsel

COMMON ORDER

The Writ Petition W.P.(MD).No.19735 of 2023 is filed by M.Kavitha for Writ of Mandamus, to direct the respondents to issue No Objection Certificate to the petitioner for the registration of the properties, situated in Survey Nos. 561/2A, 563/1A and 563/2, Thanthonimalai Village, Karur Taluk, Karur District based on the petitioner's representation dated 01.07.2023.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.



W.P.(MD).No.19735 & 23380 of 2023

3. The contention of the petitioner is that the said properties were purchased by the petitioner, vide sale deed, dated 27.12.2010, which was registered in Mela Karur Sub-Registrar Office as Document No.12688 of 2010. When the petitioner has decided to execute a sale deed in favour of her husband Murugesan and a sale deed was also drafted on 13.01.2023 and the same was placed for registration. However, the same was returned with an endorsement that the land belong to Kaji Service Wakf and had directed to get No Objection Certificate from the Superintendent of Wakf Board, Trichy.

4. The further contention of the petitioner is that there are no encumbrances over the said property and the petitioner is having clear title when the earlier registration was executed on 27.12.2010. Hence, the petitioner had approached the respondents to issue No Objection Certificate on 01.07.2023. But, both the respondents did not issue “No Objection Certificate”. Hence, the petitioner has approached this Court.

5. The learned Senior Standing Counsel appearing for the respondents in both the writ petitions vehemently objected for the prayer to issue No Objection Certificate to the petitioners, since already the said lands were surveyed and



W.P.(MD).No.19735 & 23380 of 2023

earmarked as wakf properties and the said lands have been entered in the pro forma of the concerned wakf, therefore, the prayer in the writ petition cannot be granted.

6. However, the claim of the petitioner is that the earlier sale deeds were executed in favour of individuals as early as 1940s. Therefore, this Court is of the considered opinion that the petitioner's claim ought to be considered based on their documents. Therefore, the respondents are directed to consider the petitioners' representation in accordance to law and pass orders within a period of six weeks (6) from the date of receipt of a copy of this order.

7. With the above said observation, these writ petitions are disposed of. No costs.

10.10.2023

NCC : Yes/No

Index : Yes / No

Internet : Yes/ No

Sml



WEB COPY



W.P.(MD).No.19735 & 23380 of 2023

S.SRIMATHY, J.

Sml

W.P.(MD).Nos.19735 & 23380 of 2023

10.10.2023