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W.P. No. 353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 353 of 2024

Kalaimani

... Petitioner

-VS-

1.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

2.The Sub Registrar,
Pollachi Sub Registrar Office,
Pollachi.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus to direct the first respondent to give No Objection Certificate to make further registrations in respect of petitioner's petition mentioned patta land based on the petitioner's representation dated 15.09.2023.

For Petitioner

: Mr. B.Bharath

For R1

: Mr. Haja Mohideen Gishi



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For R2

: Mr. B.Vijay
Additional Government Pleader

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ORDER

Heard Ms. B.Bharath, Learned Counsel for the Petitioner, Mr. Haja Mohideen Gisthi, Learned Counsel for the First Respondent and Mr. B.Vijay, Learned Additional Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to have acquired rights in respect of the property at Survey No. 128/3, Dalavaipalayam Village, Pollachi Taluk, Coimbatore District through a registered sale-deed dated 14.12.2018 and when she presented a sale-deed executed by her before the Second Respondent, it was refused to be registered under Section 22~A of the Registration Act, 1908 (as amended in the State of Tamil Nadu) citing that it is waqf property. In that backdrop, the Petitioner had made a representation dated 15.09.2023 to the First Respondent seeking 'No Objection Certificate' for registration of the said land, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



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3. 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 Registering Authority as held by the Division Bench of this Court in ***Sudha Ravi Kumar -vs- Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai*** [(2017) 3 CTC 135]. If the said procedure has not been followed, it is for the aggrieved party to work out his remedy in that regard before the proper forum in the manner recognized by law, but it is not possible to entertain any Writ Petition seeking to direct the First Respondent to grant 'No Objection Certificate' as sought by the Petitioner in this case.

4. In view of the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure, and he has also made an endorsement to that effect in the court record. It is hastened to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.



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12.01.2024

Index: Yes/No

NCC: Yes/No

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Note: Issue order copy by 18.04.2024.

To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.
2. The Sub Registrar,
Pollachi Sub Registrar Office,
Pollachi.



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P.D. AUDIKESAVALU, J.

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