



W.P.(MD) No.9359 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.9359 2023

and

W.M.P.(MD)No.8387 and 23218 of 2023

Somasundaram

...Petitioner

-vs-

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
TNAU Nagar, Rajakambeeram,
Y.Othakadai, Madurai - 625 107.

3.The District Registrar,
Virudhunagar District,
58/1, Cutchery Road,
Virudhunagar, Madurai - 626 001.

4.The Sub Registrar,
No.704, Main Road,
Sattur – 626 203.

5.The Inspector of Wakf,
O/o. the Wakf Inspector,
Chinnakadai Street, Velipattinam,
Ramanathapuram District.

...Respondents

[R5 was impleaded vide order dated.30.08.2024]

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to impugned refusal slip dated 15.10.2020 in his proceedings bearing RFL/Sattur/17/2020 on the file of the 4th respondent and quash the same and direct the 3rd and 4th respondents to register the Sale Deed dated 09.10.2020 executed by the petitioner and his brother Vellaipandi in respect of sale of land in S.No.146/3, Nanjai land to an extent of 15 cents situated at Chattrapathi Village, Sattur Taluk, Sattur Sub-Registration Division, Virudhunagar Registration District to Krishnasamy son of Shanmugavel Thevar.

For Petitioner	: Mr.S.Anandha Rajagopal
For R1 to R4	: Mr.M.Siddharthan Additional Government Pleader
For R5	: Mr.S.A.Ajmal Khan

ORDER

This writ petition has been filed challenging the refusal slip dated 15.10.2020 in proceedings bearing RFL/Sattur/17/2020 issued by the fourth respondent and to direct the 3rd and 4th respondents to register the Sale Deed dated 09.10.2020 executed by the petitioner and his brother.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

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3.It is the case of the petitioner that the petitioner and his brother purchased the subject property in Survey Nos.136/1 and 146/3 by way of the registered sale deed dated 25.05.2017. According to the petitioner, the property in Survey No.136/1 measures about 17.25 cents and 146/3 is to an extent of 15 cents. Thereafter, the petitioner and his brother executed a sale deed dated 09.10.2020. When the the petitioner presented the said sale deed for registration, the same was refused to be registered citing the objection given by the Waqf Board that the subject property belongs to the Waqf. The said order is under challenge in this writ petition.

4.The learned counsel for the Waqf Board submitted that as far as Survey No.146/3 is concerned, it belongs to Sattur Jamia Masjid. A copy of the District Gazette published in this regard is also placed before this Court. The copy of the District Gazette clearly shows that Survey No. 146/3 is shown as Waqf property. The said notification was of the year 1956. Further, they have no objection in registering the document with regard to the property in Survey No.136/1.



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5.At this juncture, the learned counsel for the petitioner submitted that the petitioner shall be permitted to establish his title in respect of Survey No.146/3 before the competent civil Court.

6.As the notification produced by the respondent itself clearly shows that the property in survey No.146/3 is registered in the name of the waqf, the refusal slip issued by the fourth respondent in respect of the property in Survey No.136/1 alone stands quashed and this writ petition is partly allowed. The fourth respondent shall register the document with regard to the property in Survey No.136/1 forthwith subject to fulfilment of other usual formalities. The petitioner is at liberty to establish his title with regard to the property in Survey No.146/3 before the Waqf Tribunal in the manner know law. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2024

Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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