



W.P.(MD)No.5457 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.5457 of 2019

N.Tamilarasi

... Petitioner

/Vs./

1. The Sub Registrar,
Melakarur,
Karur District.

2. The Superintendent of Wakfs
Trichy Zone,
No.12, Kilothar Street,
Trichy -2.

... Respondents

*(R2 is suo motu impleaded vide Court order
dated 25.04.2019 in W.M.P.(MD)5986 of 2019)*

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent in RFL/-Melakarur/1/2019 dated 21.01.2019 and quash the same and consequently, to direct the respondent to register the sale deed relating to S.Nos.172/1, 172/5, Thoranakkalpatti, Karur District.



W.P.(MD)No.5457 of 2019

WEB COPY

For Petitioner : Mr.K.Suresh
For R-1 : Mr.K.Sadiq Raja
Additional Government Pleader
For R-2 : Mr.D.S.Haroon Rasheed

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 21.01.2019, thereby refused the registered sale deed presented without registration in respect of the property comprised in Survey Nos.172/1, 172/5, Thoranakkalpatti, Karur District.

2. The case of the petitioner is that she is having power to deal with the property comprised in Survey Nos.172/1, 172/5 by way of Power of Attorney executed by the principal. Originally, the said property belonged to one Mariyayee Ammal and she sold the property in favour of the petitioner's principal in the year 2006 by way of registered sale deed in Document Nos.393 of 2006. In order to deal with the property, the petitioner was given power and she sold out the subject property by way of executing the sale deed and presented for registration.



W.P.(MD)No.5457 of 2019

WEB COPY

However, the first respondent has rejected the same.

3. The learned Counsel for the petitioner would submit that the first respondent without even any material and without even stating on what way the title over all the property mechanically registered the sale deed which was presented for registration.

4. The learned Counsel for the second respondent would submit that the subject property belonged to one Jamia Mosque. As per the document in the properties and title deed No.1016 and 1561 are wakfs property. Therefore, the first respondent has rightly refused to receive the sale deed which was presented for the registration in respect of the subject property.

5. However, the petitioner is at liberty to represent the sale deed for registration. On receipt of the same, the first respondent is directed to issue notice to the petitioner and the second respondent. After giving opportunity to the parties, the first respondent shall pass orders on merits in accordance with law.



W.P.(MD)No.5457 of 2019

WEB COPY

6. Accordingly, this Writ Petition stands dismissed. No costs.

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

11.11.2024

TO

1. The Sub Registrar,
Melakarur,
Karur District.
2. The Superintendent of Wakfs
Trichy Zone,
No.12, Kilothar Street,
Trichy -2.



WEB COPY



W.P.(MD)No.5457 of 2019

G.K.ILANTHIRAIYAN, J.

jbr

Order made in
W.P.(MD)No.5457 of 2019

Dated:
11.11.2024