



W.P.(MD)Nos.15209 to 15211 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P.(MD)Nos.15209 to 15211 of 2024**

**and**

**W.M.P(MD)Nos.13313, 13314, 13330,  
13331, 13334 and 13335 of 2024**

**W.P(MD)No.15209 of 2024**

P.Chellammal

... petitioners

Vs.

1.The District Collector,  
Karur,  
Karur District.

2.The Joint I Sub Registrar,  
Karur,  
Karur District.

3.The Superintendent of Wakf,  
Trichy Region,  
Palakarai,  
Trichy – 8.

4.The Tahsildar,  
Karur Taluk,  
Karur District.

... Respondents



W.P.(MD)Nos.15209 to 15211 of 2024

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent made in Na.Ka.No. 786/Va.Ka/Thee.Cha/Avana Pathivu/2020, dated 03.02.2020 in so far as S.Nos.1409, 1410 and 1412, Pulliyur Village, Karur Taluk, Karur and quash the same and consequently directing the second respondent Refusal Check Slip No.RFL/1 Joint Sub Registrar Karur/19/24, dated 27.03.2024 and consequently direct the second respondent to register the settlement deed, dated 27.03.2024 presented by the petitioners.

For petitioners : Mr.K.Govindarajan  
For M/s.R.Murali

For R1, R2 & R4 : Mr.P.Subburaj  
Special Government Pleader

For R3 : Mr.S.A.Ajmal Khan

**W.P(MD)No.15210 of 2024**

K.Chellammal

... petitioners

Vs.

1.The District Collector,  
Karur,  
Karur District.

2.The Joint I Sub Registrar,  
Karur,  
Karur District.



W.P.(MD)Nos.15209 to 15211 of 2024

3.The Superintendent of Wakf,  
Trichy Region,  
Palakarai,  
Trichy – 8.

4.The Tahsildar,  
Karur Taluk,  
Karur District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent made in Na.Ka.No. 786/Va.Ka/Thee.Cha/Avana Pathivu/2020, dated 03.02.2020 in so far as S.No.1410, Pulliyur Village, Karur Taluk, Karur and consequential proceedings of the second respondent Refusal Check Slip No.RFL/1 Joint Sub Registrar Karur/17/24, dated 27.03.2024 and consequently direct the second respondent to register the settlement deed, dated 27.03.2024 presented by the petitioners.

For petitioners : Mr.K.Govindarajan  
For M/s.R.Murali

For R1, R2 & R4 : Mr.P.Subburaj  
Special Government Pleader

For R3 : Mr.S.A.Ajmal Khan

**W.P(MD)No.15211 of 2024**

K.Subramani

... petitioners

Vs.



W.P.(MD)Nos.15209 to 15211 of 2024

1.The District Collector,  
Karur,  
Karur District.

2.The Joint I Sub Registrar,  
Karur,  
Karur District.

3.The Superintendent of Wakf,  
Trichy Region,  
Palakarai,  
Trichy – 8.

4.The Tahsildar,  
Karur Taluk,  
Karur District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent made in Na.Ka.No.786/Va.Ka/Thee.Cha/Avana Pathivu/2020, dated 03.02.2020 in so far as S.No.1410, Pulliyur Village, Karur Taluk, Karur and consequential proceedings of the second respondent Refusal Check Slip No.RFL/1 Joint Sub Registrar Karur/18/24, dated 27.03.2024 and consequently direct the second respondent to register the settlement deed, dated 27.03.2024 presented by the petitioners.

For petitioners : Mr.K.Govindarajan  
For M/s.R.Murali

For R1, R2 & R4 : Mr.P.Subburaj  
Special Government Pleader



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W.P.(MD)Nos.15209 to 15211 of 2024

For R3

: Mr.S.A.Ajmal Khan

**COMMON ORDER**

These writ petitions have been filed challenging the proceedings of the third respondent, dated 03.02.2020, addressed to the Inspector General of Registration, Chennai, not to proceed with the registration of the petition mentioned properties.

2. It is submitted by the learned counsel for the petitioners that title to the properties would vest with the petitioners and in support thereof, he has furnished the order of the Settlement Tahsildar, dated 17.10.1967, wherein it has been held as under :

*"6.... The mere fact that the lands have been included in the notification as Wakf properties under the Wakf Act did not take away the right or title or ownerships of the enjoyments. The objection is therefore not sustainable as the mosque or Muthavali has nothing to do with the 'Kahzi' service which is a personal one, rendered to the "Musalman Community" which is reported to be kept up even now.*

*7. In the result I find that the enjoyers noted in Col.7 of the*



W.P.(MD)Nos.15209 to 15211 of 2024

*schedule are entitled to the land u/s 8 (1) and accordingly decide u/s 11 that ryotwari patta be issued to them excluding those portions C.T. on ground which fall u/s 10 (c).*

*8. N.S.No.1908/1, 1911/1, 1912/1 1910/1 and 1913/1 acquired for District Board Road and effected in the Court as per Ref.23/1360 dt.2.5.59 have already been included in the holding of the District Board and subsequently transferred to the Panchayat Union Council, Thanthoni. They have to be deleted from the section 1 (5) notifications as they do not fall within the scope of the Act."*

3. Thereafter, a suit was filed by the Mutawalli of Palayalur, Vettamangalam, Pugalur, Nerur, Mosques attached with Jamia Masjid Mosque, Karur in O.S.No.142 of 1963, wherein, after framing various issues, *inter alia*, including the following issues 5, 6 and 7, which is extracted hereunder:

*"5. Whether the suit properties are wakf properties and whether the wakf Board has assumed jurisdiction and right and title over the same?*

*6. Whether the above suit is barred by limitation?*

*7. Whether the defendants and the predecessors-in-title have perfected their title by adverse possession?*



W.P.(MD)Nos.15209 to 15211 of 2024

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4. With regard to Issue No.5, it was held that the Wakf Board could not have assumed jurisdiction, right, title and interest over the suit properties. This issue was accordingly found against the plaintiff therein.

5. As regards Issue Nos.6 and 7, it was held that with reference to Article 144 of the Limitation Act will apply only when the possession of the defendant became adverse at any time after 14.08.1947 and before 07.05.1954. Therefore, the suit is barred by limitation. The defendants and their predecessors-in-title have perfected their title by adverse possession while Section 10 of the Limitation Act, was found inapplicable. These issues were accordingly found against the plaintiffs.

6. The learned counsel for the petitioners also placed reliance on a recent decision of this Court in W.P.No.11056 of 2024, dated 26.04.2024, wherein the scope and ambit of Section 22-A of the Registration Act was considered and it was held that Section 22-A of the Act authorises, refusal of registration only in circumstances set out therein. It was also found by this Court that on numerous



W.P.(MD)Nos.15209 to 15211 of 2024

occasions, requests are made by religious boards, namely, HR & CE and Wakf Board to refuse registration under Section 22A of the Act. It was found that merely on the basis of letters or communications filed by the Board, namely, HR & CE or Wakf Board, in the absence of evidence in the form of title deed to clinchingly establish the title of the Board or institution, such submission of representations or letters cannot be the basis, warranting exercise of power under Section 22-A. The relevant portion of the said decision is extracted hereunder :

*"19. Section 22-A authorizes the refusal in three types of cases. (i) where the land belongs to the State Government or local authorities (ii) belongs to any endowment covered by the T.N Hindu Religious and Charitable Endowments Act, 1959 (iii) land which is donated for BhoodanYagna vested in the Tamil Nadu State Bhoodhan Yagna Board (iv) or is a property belonging to a Waqf which is under the superintendence of the Waqf Board under the Waqf Act, 1995. Without any prior sanction issued by the competent authority provided under the Religious Act or by any authority authorised by the State Government for this purpose, the Sub-Registrar cannot refuse the registration. The second category under Section 22-A (2) relates to the transfer of ownership of lands converted to house sites without permission for the development of such land by the planning authority. In such cases, the only exception is where it is shown that the same house site is*



W.P.(MD)Nos.15209 to 15211 of 2024

*previously registered as a house site, in which case there is no bar for registration. The third category under Section 22-A (3) is where the Registrar can refuse to register a unilateral cancellation of a sale deed.*

*20. It is relevant to note that many registration has been refused citing Section 22-A on the only ground that some requests are made by Hindu Religious and Charitable Endowments Board or the Waqf Board. It is relevant to note that the Division Bench of this Court in the case of Sudha Ravikumar v The Special Commissioner reported in AIR 2017 Mad 203, wherein, it is held as follows:*

*“the registering authority is not bestowed with any quasijudicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial.”*

*21. Similarly, this Court in the case of D. Kalaiyarasan v Inspector General reported in (2018 SCC Online Mad 7224), it was held that unless and until the authority has clinching materials to show that the property belonged to the religious institution, the registration cannot be refused. Also, this Court in the case of G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024, it was observed as under:*

*“If there is a serious dispute on the title to the land, such*



W.P.(MD)Nos.15209 to 15211 of 2024

*questions cannot be decided by the Registrar at the stage of registering a document since he is only conducting a limited summary enquiry."*

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*22. Therefore, this Court is of the view that merely on the basis of some letters without production of title deed clinchingly establish the title of the Waqf Board and religious institutions mere citing some objections in the form of letters, document cannot be refused to be registered."*

7. The learned counsel for the third respondent has not been able to produce any document in relation to the title. However, he seeks liberty of this Court to produce necessary documents before the registering authority and that the registering authority may be directed to consider the same.

8. In view thereof, the impugned order is set aside. The petitioners and the third respondent are at liberty to furnish materials, if any, which would enable them to establish the title over the subject property and if materials are so produced, the respondent authority would conduct a summary enquiry in terms of the decisions referred supra, for the limited purpose for satisfying itself as to whether the documents deserve to be registered, after issuing notice to the petitioners, third respondent and any other interested parties / stake holders and



W.P.(MD)Nos.15209 to 15211 of 2024

pass appropriate orders in accordance with law.

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9. Accordingly, the writ petitions stand disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

**25.10.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
SN

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W.P.(MD)Nos.15209 to 15211 of 2024

**MOHAMMED SHAFFIQ, J.**

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W.P.(MD)No.15209 to 15211 of 2024



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W.P.(MD)Nos.15209 to 15211 of 2024

25.10.2024