



W.P.(MD)No.17660 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2024**

CORAM:

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

W.P.(MD)No.17660 of 2022

Anthonyraj

... Petitioner

/Vs./

1. The Sub-Registrar,
Joint II Sub-Registrar Office,
Tirunelveli.

2. Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

(R2 is suo motu Impleaded vide Court
order dated 02.07.2024)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register the documents pertaining to the land comprised in survey No.T.S. Ward 8 Block 18 T.S.No.2216/37 without insisting for any No Objection Certificate.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.S.P.Maharajan

Special Government Pleader for R1

: Mr.G.Chandrasekar for R2



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ORDER

This Writ Petition has been filed seeking for a direction, directing the respondent to register the sale deed in respect of the property comprised in survey No.T.S. Ward 8 Block 18 T.S.No.2216/37 without insisting for any No Objection Certificate.

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

3. Originally, the subject property belonged to Wakf and in the suit in O.S.No.1044 of 1980, it was declared in favour the petitioner's vendor. Subsequently, it was purchased by the petitioner, on 09.01.2020 registered vide Document No.93/2022. In turn, the petitioner intended to sell the subject property to third party. However, it was refused to receive on the ground that the subject property is Wakf property and insisted the petitioner to obtain No objection certificate from Wakf.



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4. The learned counsel for the petitioner would submit that though the second respondent raised an objection, he has failed to produce any piece of evidence to show that the subject property belongs to him. Mere objection by way of letter won't be sufficient to refuse the registration of the documents. The first respondent ought to have conducted an enquiry as directed by the Hon'ble Division Bench of this Court with regard to the objection raised by the second respondent.

5. In this regard, the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar & Others Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and Others*** reported in ***2017 (3) CTC 135***, held as follows:

“26. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:

“(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector/religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order



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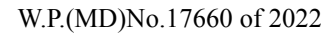
having regard to the relevant facts as indicated above.

(ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.

(iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.

(v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution



(vi) *Consequently the connected miscellaneous petitions are closed. No costs.*”

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7. With the above direction, this Writ Petition is disposed of.

No costs.

02.12.2024

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS

TO:-

1. The Sub-Registrar,
Joint II Sub-Registrar Office,
Tirunelveli.
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.17660 of 2022

Dated:
02.12.2024