



W.P.(MD)No.28322 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28322 of 2024

and

W.M.P.(MD)Nos.24003 & 24004 of 2024

1.K.Kousalya
2.R.Keerthana

...Petitioner

-Vs-

1.The District Registrar,
Tiruchirappalli.

2.The Sub Registrar,
Manachanallur,
Tiruchirappalli.

3.Tamilnadu Wakf Board,
Through its Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seekathai Nagar,
Chennai – 600 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to impugned refusal check slip RFL Manachanallur 422/2024 dated 17.10.2024 of the second respondent in respect of lands in S.No.110/2,111 in Manachanallur Taluk, Tiruchirappalli District, belonging to the petitioner herein and quash the same and consequently, direct the second respondent to register the settlement deed dated 17.10.2024 executed by the petitioners.



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W.P.(MD)No.28322 of 2024

For Petitioner

: Mr.V.R.Shanmuganathan

For Respondents

: Mr.D.Sadiq Raja

Additional Government Pleader

for R1 & R2

Mr.K.Jeyamohan for R3

ORDER

This writ petition has been filed challenging the order passed by the second respondent, thereby refused to register the sale deed which was presented for registration by issuing refusal check slip on the ground that the subject property belongs to Wakf as per the objections raised by the third respondent.

2.The petitioners are purchasers in respect of the property comprised in S.No.110/2 measuring to an extent of 3.80 acres, Survey No.111 measuring to an extent of 0.89 cents, Manachanallur Village, Trichirappalli District. The subject property was purchased by the vender by the registered sale deed on 21.09.2006 vide document No.2092 of 2006. All the revenue records stand in the name of the petitioner and obtained patta. The petitioner has also obtained No Objection Certificate. The petitioner's layout was named as SRI AMBUJAM NAGAR and the same was approved by the Deputy Director of



W.P.(MD)No.28322 of 2024

Town and Country Planning vide Na.Ka.No.1369/2018/ThiMa-2, dated 25.10.2018. The first petitioner has sold 59 plots except 9 plots which was mentioned in the survey No.110/2 and 111. When the petitioner was trying to sell the remaining 9 plots to the second petitioner herein, the refusal check slip issued by the second respondent stating that the said plots are claimed by the third respondent.

3.This issue is dealt with by the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar and others Vs. The Special Commissioner and Commissioner of HR & CE and others*** reported in ***2017 (3) CTC 135***, has held that the registering authority shall issue notice to the parties and conduct enquiry and thereafter pass orders.

4.In view of the above, the impugned order cannot be sustained and is liable to be quashed.

5.The first petitioner is directed to re-present the sale deed for registration before the second respondent and on receipt of the same, the second respondent is directed to issue notice to the petitioner and the third respondent for the enquiry. During enquiry, the petitioner and the third respondent may be



W.P.(MD)No.28322 of 2024

given opportunity of hearing and pass orders on merits and in accordance with law within a period of two weeks thereafter.

6.With the above said directions, this writ petition stands allowed. No costs. Consequently, connected writ miscellaneous petitions are also closed.

27.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1.The District Registrar,
Tiruchirappalli.

2.The Sub Registrar,
Manachanallur,
Tiruchirappalli.

3.The Executive Officer,
The Tamilnadu Wakf Board,
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W.P.(MD)No.28322 of 2024

G.K.ILANTHIRAIYAN. J,

RJR

W.P.(MD)No.28322 of 2024

27.11.2024