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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3867 of 2025

C.Ramesh Kumar
Vs.

..Petitioner

1. The Inspector of Registration,
Tamil Nadu State Registration Department,
100, Santhome High Road,
Pattinampakkam, Chennai 600 028

2. The Sub Registrar,
Triplicane,
No.182, Bharati Salai,
Royapettah, Chennai 600 014.

3. The Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus Direct the 2nd respondent to release the document of sale deed dated 19.07.2024 registered as Pending Document No.32 of 2024 on the file of Sub-Registrar, Triplicane and for consequential orders.



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For Petitioner : Mr.J.Karunanithi

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to release the document of Sale deed dated 19.07.2024 kept as a pending document on the file of the 2nd respondent after registering the same within the time frame fixed by this Court.

2. Heard Mr.J.Karunanithi, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for Respondents 1 and 2.

3. The petitioner claims to be the absolute owner of the subject property. He wanted to deal with this property and hence, a sale deed was executed and it was presented for registration before the 2nd respondent. The 2nd respondent has refused to register the document based on the objection letter that was given by the 3rd respondent dated 30.09.2020. Aggrieved by the same,



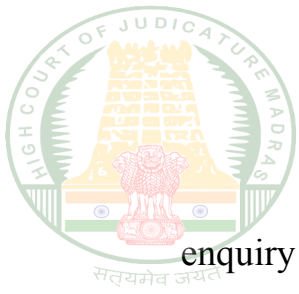
the present writ petition has been filed before this Court.

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4. The specific case of the petitioner is that the property is clearly identifiable by means of title deeds and also the patta that was issued with respect to RS No.3360 /7. Hence, the 3rd respondent who has no right over the property, cannot give an objection and prevent the petitioner from dealing with this property.

5. The learned Standing counsel appearing on behalf of the 3rd respondent submitted that the 3rd respondent had given an objection letter dated 30.09.2020 where there is reference to new survey No.3360. The learned Standing counsel submitted that the property has been subsequently sub-divided. Therefore, it has to be seen whether the property to which the petitioner is claiming for right through sub-division, belongs to the 3rd respondent or it exclusively belongs to the petitioner.

6. In the light of the above stand taken by the respective parties, there shall be a direction to the 2nd respondent to conduct a summary



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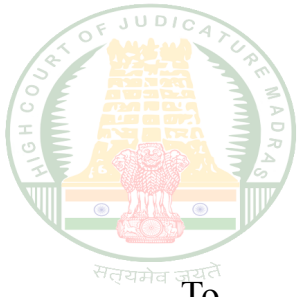
enquiry and get the clarification from both sides in line with the guidelines issued by the Division Bench of this Court in [***Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai – 34 and others***] reported in **2017 3 CTC 135** and a decision shall be taken for the registration of the document within a period of four weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the above directions.

No costs.

10.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
rka



To

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N. ANAND VENKATESH, J.
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