



W.P.No.21842 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No. 21842 of 2025

V.Magesh Kumar

...Petitioner

Vs.

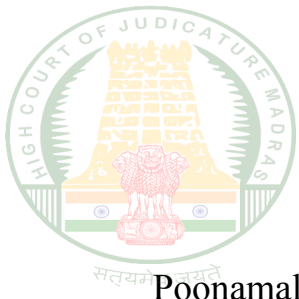
1.The District Registrar,
M.V.Street, Veeraraghava Nagar,
Thiruvallur-602 001.

2.The Sub-Registrar Joint 1,
Saidapet,
Nandanam,
Chennai-600 035.

3.Tamil Nadu Wakf Board,
Represented by its Principal Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the second respondent not to insist on "No Objection Certificate" from the petitioner for registering the Deed of Cancellation of Memorandum of Deposit of Title Deeds and Deed of Memorandum of Deposit of Title Deeds in respect of the property bearing Door No.3/95, Pillayar Koil Street, Sheikmaniyam, Porur, Vanagaram Village, situated in Old Survey No.187/3D, and New Survey No.187/76B, Patta No.13740,



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Poonamallee Taluk, Thiruvallur District, admeasuring a total extent of 1046 sq.ft. of land and pass orders.

For Petitioner : Mr.K.Elangoo
for Krishna Law Associates

For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1 and R2

Mr.Avinash Wadwani
Standing Counsel
for R3

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed praying for a writ of mandamus, to direct the second respondent not to insist on "No Objection Certificate" from the petitioner for registering the Deed of Cancellation of Memorandum of Deposit of Title Deeds and Deed of Memorandum of Deposit of Title Deeds in respect of the property bearing Door No.3/95, Pillayar Koil Street, Sheikmaniyam, Porur, Vanagaram Village, comprised in Old Survey No.187/3D, and New Survey No.187/76B,



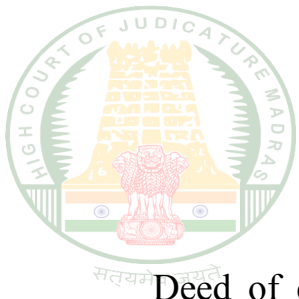
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admeasuring a total extent of 1046 sq.ft, in Patta No.13740, situated at Poonamallee Taluk, Thiruvallur District.

3. It is submitted by the learned counsel for the petitioner that the petitioner borrowed a loan from a private bank offered the subject property as security, and executed a Memorandum of Deposit of Title Deeds in Document No.4914/2021 dated 08.04.2021. Subsequently, the petitioner closed the said loan. Thereafter, the petitioner approached the second respondent on 05.05.2025 seeking cancellation of Memorandum of Deposit of Title Deeds dated 08.04.2021. The second respondent refused to register the said Deed of Cancellation on the ground that they have received a letter from third respondent (Wakf board) requesting not to register any property in respect of Survey No.187/3D. Aggrieved by the same the petitioner has filed the present writ petition.

4. At the outset, learned Special Government Pleader for respondent Nos.1 and 2 would submit that there is nothing to show that the petitioner has even presented the Deed of Cancellation of Memorandum of Deposit of Title Deeds dated 08.04.2021 before the second respondent. The petitioner may present the



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Deed of cancellation, in case it is not yet presented or re-present the Deed of Cancellation, if it has already been presented. On such presentation/re-presentation of the Deed of cancellation, the same would be considered and registered, if it is otherwise in order. If for any reason, the registering authority is of the view that the registration ought to be refused, he would do so after assigning reasons, which was agreed to by the learned counsel for the petitioner.

5. At this juncture, learned counsel for the wakq board/third respondent would submit that they have already filed a protest letter and the same may be considered before the Deed of Cancellation of the said MOD is registered, which was agreed to by both counsel for petitioner as well as respondents 1 and 2.

6. In the light of the above discussion, it is open to the petitioner to present the Deed of Cancellation in respect of the MOD dated 08.04.2021, in case it is not yet presented or re-present the same, if it has already been presented. On such presentation/re-presentation of the Deed of Cancellation, the same would be considered and registered, if it is otherwise in order, after providing an opportunity of hearing to the petitioner and respondent No.3 and any other interested parties. If



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for any reason, the second respondent refuses to register the Deed of Cancellation of MOD, he shall assign reasons in the refusal order, which was agreed to by both counsel for petitioner as well as respondents.

7. In the result, this Writ Petition stands disposed of. There will be no order as to costs.

23.06.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

1.The District Registrar,
M.V.Street, Veeraraghava Nagar,
Thiruvallur-602 001.

2.The Sub-Registrar Joint 1,
Saidapet,
Nandanam,
Chennai-600 035.

3.The Principal Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
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MOHAMMED SHAFFIQ, J.

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