



W.P(MD)No.25171 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.25171 of 2023

Muthulakshmi

... Petitioner

Vs

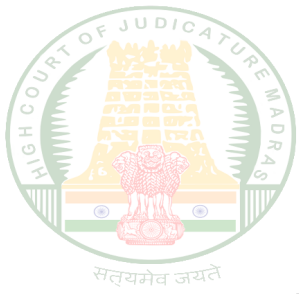
1. The Joint - II Sub Registrar,
Tirunelveli,
Tirunelveli District.

2. The Chief Executive Officer,
Tamilnadu Wakf Board,
Chennai.

3. The Superintendent,,
Wakf Board,
Tirunelveli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 01.09.2023 passed by the first respondent in RFL/2/Joint - II Sub Registrar - II, Tirunelveli/35/2023, and quash the same as illegal and further, to direct the first respondent to receive and register the General Power of Attorney dated 31.08.2023 executed by the petitioner.



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For Petitioner : Mr. G.Prabhu Rajadurai
For R-1 : Mr.D.Sasikumar
Additional Government Pleader
For R-2 & R-3 : Mr.D.S.Haroon Rasheed

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 01.09.2023 and consequently to direct the first respondent to receive and register the General Power of Attorney dated 31.08.2023 executed by the petitioner.

2. Accordingly to the petitioner, the petitioner's principal is the owner of the subject property. However, the learned Counsel appearing for the Waqf Board submitted that the subject property is a Waqf property from the year 1957 onwards and that they are in possession of title deeds for the said property. If any temple or Waqf Board is claiming right over a property, an enquiry has to be conducted as per the judgment rendered in ***Sudha Ravi Kumar and another Vs. Special Commissioner and Commissioner, Hindu Religious and Charitable Endowment Department, Chennai***, reported in ***2017 (3) CTC 135 (DB)***.



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3. In the present case, the petitioner is seeking only to register the General Power of Attorney. The document ought to be registered and there cannot be any objection to the same. However, the General Power of Attorney will be registered with a condition that the petitioner should not alienate or encumber the property until the enquiry based on ***Sudha Ravi Kumar case*** is conducted.

4. Accordingly, the impugned order is quashed. The respondents are directed to conduct an enquiry based on the ***Sudha Ravik Kumar Judgment*** within a period of eight (8) weeks from the date of receipt of a copy of this order. In the meantime, the official respondents shall register the General Power of Attorney. However, the petitioner shall not alienate or encumber any property until the enquiry is completed.

5. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs.

10.07.2025

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

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To:

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Tirunelveli,
Tirunelveli District.
2. The Chief Executive Officer,
Tamilnadu Wakf Board,
Chennai.
3. The Superintendent,,
Wakf Board,
Tirunelveli.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.25171 of 2023

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