



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 12283 of 2022

AND

WMP NO. 11744 OF 2022

K.Mani

S/o.Katha Pillai, 18, Dowlath Nagar,
Semmandalam, Cuddalore- 607 002.

..Petitioner(s)

Vs

1. The District Registrar
(Administration), Chidambaram.
2. Mr.K.P. Tajudeen
S/o.Peeran Sahib, Hereditary Muthavalli,
Sherkhan Durga, Cuddalore. O.T.- 607003.
3. The Chief Executive Officer,
Tamil Nadu WAQF Board, Chennai 600 001.
4. S.Abdulla,
WAQF Superintend, Noor Mohammad Sha
Avullya Durga complex, No. 512, Gandhi
Road, Panruti 607106, Cuddalore District. (R3,
R4 IMPEADED VIDE ORDER DT
05.04.2023 MADE IN WMP.26803/2022 IN
WP.12283/2022 BY MSRJ)

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorari to call for the records and quash the proceedings of the 1st respondent in his Na.Ka.No. 6605 / Aa1 / 2021 dated 24.02.2022.

For Petitioner(s):

Mr.D.Baskar

For Respondent(s):

Mr.P.Harish, Government Advocate for R1
Mr.R.Nalliyappan for R2



Order

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This Writ Petition is filed challenging the impugned proceeding of the 1st respondent dated 24.02.2022, wherein the said authority questioned the validity of the petitioner's Sale Deed dated 28.02.1977.

2. Case of the petitioner is that the properties bearing S.F.Nos.137/1 Ac 7.49, 137/3 Ac.0.49 and 137/4 Ac. 0.25 in Silambimangalam Village, Bhuvanagiri Taluk, Cuddalore District, originally belonged to one Ayesha Beevi, from whom, the petitioner's father had purchased the said properties. Now the petitioner is in absolute possession and enjoyment of the same. While so, one Peeram Sahib, claiming to be the hereditary trustee of the 2nd respondent Durga filed O.S.No.135/1980 before the District Munsif, Chidambaram, against the petitioner and three others, seeking recovery of possession. The Suit filed by the 2nd respondent was dismissed in respect of the property in favour of the petitioner and it has become final. When the matter stood thus, the 2nd respondent had given a representation to the 1st respondent on 27.12.2021, questioning the validity of several Sale Deeds including the petitioner's Sale Deed dated 28.02.1977. Pursuant thereto, the 1st respondent had issued summon dated 24.03.2022 for enquiry. Challenging the same, the petitioner is before this Court.



3. Learned counsel for the petitioner submitted that the 1st respondent has no jurisdiction to conduct any enquiry regarding the validity of any document, in view of the provisions under Section 68(2) and 77A of the Registration Act having already been struck down. Therefore, the 1st respondent / District Registrar has no authority to conduct any enquiry with regard to cancellation of any documents before the Sub Registrar.

4. Learned counsel for the respondents also fairly submitted that in view of striking down of the aforesaid provisions of the Registration Act, the District Registrar has no power to cancel any documents registered before the Sub Registrar. Hence, the impugned notice calling upon the petitioner for enquiry would not serve any useful purpose.

5. Heard both sides and also perused the materials available on record.

6. As rightly pointed out by the counsel for the respondents, in the present case, in view of striking down of Section 68(2) of the Act, the District Registrars have no authority to pass orders for conducting enquiry and subsequent issuance of notice under Section 77A also will not serve any useful purpose and hence, the impugned proceeding of the 1st respondent is liable to be set aside.



7. In view of the above, the writ petition is allowed and the impugned proceeding of the 1st respondent dated 24.02.2022, is set aside. No costs. Consequently connected miscellaneous petition is closed.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SK

To

1. The District Registrar
(Administration), Chidambaram.
2. The Chief Executive Officer,
Tamil Nadu WAQF Board, Chennai 600 001.



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KRISHNAN RAMASAMY J.

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