



WEB COPY

WP No. 30645 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 30645 of 2026

Hafsa Nazneen
W/o.V.Irshad Ahmed,
No.48 Of 70, Ameena Street, Pernampattu, Vellore
District, 635810.

..Petitioner(s)

Vs

1. The Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer, No.1, Jaffar
Syrang Street, Vallal Seethakathi Road, Backside
Of Customs House, Chennai - 600001.
2. The District Registrar (Administration)
In The Position Of Assistant Head Of
Registration, Veppamaram Street, Vellapadi,
Vellore - 632001.
3. The Sub-Registrar
Melpatti Road, Banglow Medu, Pernampattu,
Vellore - 635810.
4. The Inspector General Of Registration
No.100, Santhome High Road, Chennai - 600028.
5. The Tahsildar
Pernambut Taluk Office, Vellore - 635810.
6. The Wakf Inspector
Sainathapuram, Vellore - 632001.

..Respondent(s)



PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorarified Mandamus calling for the records relating pertaining to the impugned communication of the 2nd respondent in Na.Ka.No.3667-A/AA1/2023 dated 03.07.2023, quash the same as arbitrary and illegal and consequently direct the 3rd respondent to receive and register any sale deed or other document presented by the petitioner in respect of the schedule property comprised in survey No.46/1A, Erikuthi Village, Pernambut Taluk, Vellore District, without insisting upon a no objection certificate from the Tamilnadu Wakf Board with interest.

For Petitioner(s): Mr. Harish Kumar
for M/s.HSR Advocates And Legal Consultants

For Respondent(s): Mr. K. Maheshwaran
Additional Government Pleader for R2 to R4
Mr.P.Elayaraj Kumar
Special Government Pleader for R5
Ms.Rajeswari Karthikeyan for R1 and R6

ORDER

The petitioner challenges the Refusal Check Slip dated 03.07.2023 issued by the second respondent refusing registration of the document on the ground that the subject property is a Wakf property and, therefore, hit by the bar under Section 22-A of the Registration Act.



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2. The petitioner contends that he is the absolute owner of the subject property and that the refusal is based solely on a communication issued by the Wakf Board, without any adjudication establishing the Wakf Board's title over the property. It is further submitted that the Registering Authority has no jurisdiction to determine disputed questions of title and that no opportunity of personal hearing was afforded to the petitioner before passing the impugned Refusal Check Slip.

3. The learned Additional Government Pleader appearing for respondents 2 to 5 submitted that the subject property is a Wakf property and, therefore, the Registering Authority was not in a position to register the document. It was further submitted that the second respondent acted upon the communication received from the Commissioner of the Wakf Board stating that the subject property is a Wakf property and, consequently, refused registration by invoking the bar under Section 22-A of the Registration Act.

4. Heard the learned counsel appearing on either side and perused the materials on record.



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5. This Court is of the view that while the Registering Authority cannot register a document if the property is demonstrably covered by the statutory bar under Section 22-A of the Registration Act, such refusal cannot be founded merely on an unsubstantiated communication from the Wakf Board. The Registering Authority is duty-bound to conduct an enquiry by issuing notice to the parties concerned and verify whether the Wakf Board has produced the Gazette Notification issued under Section 5 of the Wakf Act along with the relevant records identifying the subject property. Mere production of the Wakf Board proforma, without the supporting Gazette Notification, would not justify invocation of Section 22-A.

6. In the present case, admittedly, no enquiry was conducted and no opportunity of hearing was granted to the petitioner before the impugned order was passed. Consequently, the Refusal Check Slip dated 03.07.2023 is liable to be set aside.



7. Accordingly, the impugned Refusal Check Slip is set aside. The petitioner is permitted to re-present the document before the jurisdictional Sub Registrar. Upon such re-presentation, the Sub Registrar shall issue notice to the petitioner as well as the Wakf Board, conduct a proper enquiry, verify the relevant Gazette Notification issued under Section 5 of the Wakf Act and other supporting records, and thereafter pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all concerned parties.

8. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

05-08-2026

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

Asi



To

1. The Chief Executive Officer,
Tamil Nadu Wakf Board
No.1, Jaffar Syrang Street, Vallal Seethakathi Road,
Backside of Customs House, Chennai – 600001.
2. The District Registrar (Administration)
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WEB COPY

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