



WP.No.914 of 2025

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In the High Court of Judicature at Madras

Dated : 21.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.914 of 2025 &
WMP.No.1092 of 2025

P.R.Sankari

...Petitioner

Vs

1.The Government of Tamil Nadu,
rep.by its Secretary,
Registration & Commercial
Tax Department, Fort St.George,
Chennai-9.

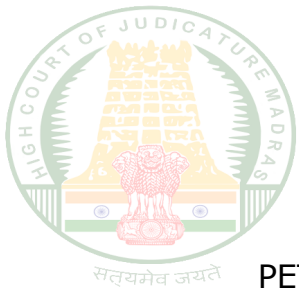
2.The Inspector General of
Registration, No.100, Santhome
High Road, Foreshore Estate,
Chennai-28.

3.The District Registrar,
M.V.Street, Veeraraghava Nagar,
Thiruvallur-602001.

4.The Sub-Registrar Joint 1,
Saidapet, Nandanam,
Chennai-35.

5.Tamil Nadu Wakf Board, rep.
by its Principal Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-1.

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the fourth respondent in connection with his refusal slip bearing No.RFL/Chennai South Joint - I/45/2024, quash the same and consequently direct the fourth respondent to register the petitioner's deed of conveyance dated 20.12.2024 for sale of her property being plot No.V measuring 1,937 sq.ft., bearing patta No.12503 and comprised in new survey No.187/38 as per patta, (old survey No. 187/3D, new survey No.187/3D1) with building comprising of G-1, F-1 and F-2 Floors situated in Heritage Venkateswara Nagar, Phase II, Vanagaram Village, Poonamallee Taluk, Thiruvallur District bearing CMDA approval No.34/2006 within the Registration Sub-District of Sub-Registrar Joint I, Saidapet of the South Chennai Registration District.

For Petitioner : Mr.E.J.Ayyappan
For Respondents : Mr.B.Vijay, AGP

ORDER

Challenging the refusal check slip issued by the fourth respondent dated 20.12.2024 refusing to register the sale deed dated 20.12.2024 presented by the petitioner and to issue a consequential direction to the fourth respondent to register the same in respect of the property in plot No.V measuring 1,937 sq.ft., bearing patta No.12503 and comprised in new survey No.187/38 as per patta, (old survey No. 187/3D, new survey No.187/3D1) with building comprising of G-1, F-1 and F-2 Floors situated in Heritage Venkateswara Nagar,



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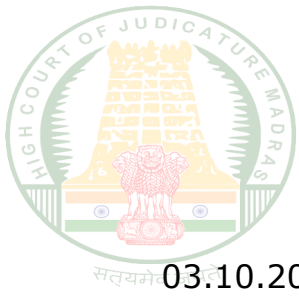
Phase II, Vanagaram Village, Poonamallee Taluk, Thiruvallur District,
the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 to 4.

3. The case of the petitioner is as follows :

(i) The petitioner is the absolute owner of the subject property. She acquired it vide sale deed dated 08.4.2010 registered as doc.No. 2433 of 2010 on the file of the Joint 1 Sub-Registrar, Chennai South from one M/s.Heritage Property Development Company Private Limited for a valid sale consideration. She acquired another part from her own daughter vide gift deed dated 17.5.2024 registered as doc.No.5354 of 2024. Since then, she has been in possession and enjoyment of the said properties.

(ii) It appears that there had been a long pending litigation in respect of S.Nos.187/1, 187/2 and 187/3, Vanagaram Village including the subject property as the fifth respondent claimed that the properties belonged to the local mosque. The litigation went upto the Hon'ble Supreme Court and attained finality and the lis was decided in favour of the private individuals in Civil Appeal No.5334 of 1993 dated



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03.10.2002. Despite that, the fifth respondent sent a communication to the fourth respondent seeking to stall the registration over the properties in S.Nos.187/1, 187/2 and 187/3, Vanagaram Village and accordingly, the fourth respondent refused to register the document presented by the private individuals for registration.

(iii) Thereafter, two of the land owners of the property comprised in S.No.187/1, Vanagaram Village approached this Court by filing W.P.No.11261 of 2023 challenging the communication of the fifth respondent dated 19.3.2021 sent to the fourth respondent objecting to register the documents in S.Nos.187/1, 187/2 and 187/3 and also sought for a consequential direction to respondents 1 to 4 to register the documents presented. The said writ petition was allowed on 21.9.2023. However, when the petitioner presented the document dated 20.12.2024 for registration, once again, the fourth respondent refused to register the same. Hence the writ petition.

4. The refusal to register the document presented by the petitioner is on the ground that the fifth respondent presented a letter stating that the properties in S.Nos.187/1, 187/2 and 187/3, Vanagaram Village belong to them and therefore, registration in respect of the subject property should not be carried out and that the fifth respondent filed an appeal, which is still pending. Further, the

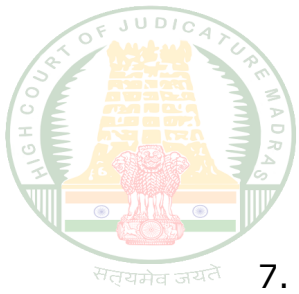


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petitioner was directed to obtain a no objection certificate from the fifth respondent.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

6. The records would show that earlier, two of the owners of land in S.No.817/1 filed W.P.No.11261 of 2023 before this Court challenging the communication of the fifth respondent dated 19.3.2021 sent to respondents 2 to 4 and to issue a consequential direction to respondents 1 to 4 to register the documents pertaining to S.Nos.187/1, 187/2 and 187/3, Vanagaram Village, a learned Single Judge of this Court, allowed the said writ petition and directed the Registering Authority to register the documents. That apart, it is also brought to the notice of this Court that the long pending litigation of the fifth respondent to declare S.Nos.187/1, 187/2 and 187/3, Vanagaram Village as if they belonged to the local mosque and were used as a burial ground had been rejected. Finally, the Hon'ble Supreme Court, in the judgment dated 03.10.2002 in Civil Appeal No.5334 of 1993, declined the request of the mosque.



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7. Apart from that, a suit filed by one Mr.Abdul Kareem in O.S.No.100 of 2005 on the file of the Principal Subordinate Court, Chengalpet to declare the property in S.No.187/1 as belonging to the fifth respondent was rejected on the ground of relitigation in C.R.P.Nos.125 of 2007 and 1237 of 2006, which were decided on 17.4.2008. The special leave petitions in S.L.P.(Civil) Nos.13919 and 13920 of 2008 filed against the said common order dated 17.4.2008 were also dismissed by the Hon'ble Apex Court on 08.7.2008. Despite the overwhelming orders of the Courts and more particularly the Hon'ble Apex Court wherein the right of the fifth respondent to the property in question has been declined, the impugned order passed once again by the fourth respondent pursuant to the communication of the fifth respondent is without any basis.

8. Accordingly, the writ petition is allowed, the impugned order passed by the fourth respondent is set aside and and fourth respondent is directed to register the document presented by the petitioner within two weeks from the date of its representation. No costs. Consequently, the connected WMP is closed.

21.1.2025



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P.T.ASHA,J

RS

To

- 1.The Secretary to Government
of Tamil Nadu, Registration &
Commercial Tax Department,
Fort St.George, Chennai-9.
- 2.The Inspector General of
Registration, No.100, Santhome
High Road, Chennai-28.
- 3.The District Registrar, M.V.Street,
Veeraraghava Nagar,
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- 4.The Sub-Registrar Joint 1,
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- 5.The Principal Executive Officer,
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