



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2743 of 2025

P.Thirupathi

... Petitioner

Vs.

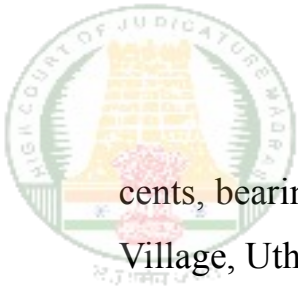
1.The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome Highway,
Pattinapakkam,
Chennai – 28.

2.The District Registrar,
The District Registrar Office,
Krishnagiri District.

3.The Sub-Registrar,
The Office of Sub-Registrar,
Uthangarai,
Krishnagiri District – 635 207.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling the records of the 3rd Respondent vide Refusal Check Slip No.RFL/Uthangarai/209/2024 dated 15.11.2024 and quash the same as illegal and arbitrary and further direct the 3rd respondent to register the document produced by the petitioner pertaining to the property measuring to an extent of 0.13



cents, bearing New Survey Nos.66/5D1, 66/5F old S.No.66/5 situated at Andiyur (Ekur) Village, Uthangarai Taluk, Krishnagiri District.

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For Petitioner : Mr.S.Deivasigamani

For Respondents : Mr.M.Shajahan
Special Government Pleader for R1 to R3

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 3rd respondent dated 15.11.2024 and for a direction to the 3rd respondent to register the document presented by the petitioner and release the same within the time frame fixed by this Court.

2.Heard Mr.S.Deivasigamani, learned counsel appearing on behalf of the petitioner and Mr.M.Shajahan, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

3.The petitioner claims to be the owner of the subject property through a registered Sale Deed dated 19.03.2022, wherein, the petitioner purchased the property measuring an extent of 0.13 cents in Survey Nos.66/5D1 and 66/5F. The petitioner wanted to execute the Settlement Deed in favour of his son and when this document was presented for registration, the 3rd respondent refused to register the same by issuing



the impugned refusal Check Slip on the ground that the petitioner must get No Objection

Certificate from the Tamil Nadu Waqf Board.

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4.This Court has carefully considered the submissions made on either side and also the materials available on record.

5.Considering the limited ground raised in this writ petition, it will suffice if a direction is issued to the 3rd respondent in line with the guidelines issued by the Division Bench of this Court in ***Sudha Ravi Kumar and another vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai – 34 and others*** reported in ***2017 3 CTC 135***. The Registrar can always conduct a summary enquiry and hear the parties and either register the document or refuse to register the same. The petitioner is claiming an independent right over the subject property based on the earlier Sale Deeds which are traced right from the year 1986 onwards. However, the Tamil Nadu Waqf Board has given a letter dated 21.02.2022 directing the Sub Registrar not to entertain any documents pertaining to certain properties. One such property is the subject property. Hence, the Registrar can issue notice to the Tamil Nadu Waqf Board and conduct a summary enquiry as prescribed by the Division Bench and if ultimately, the dispute can be resolved only by a



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competent Court, either the petitioner has to necessarily get the No Objection Certificate from the Waqf Board or the petitioner can workout his remedy before the competent Court. Except giving this clarity, no further orders can be passed in this writ petition. In view of the above, the petitioner shall re-present the Settlement Deed dated 15.11.2024. On receipt of the same, the 3rd respondent shall issue notice to the Tamil Nadu Waqf Board. A summary enquiry shall be conducted in line with the guidelines issued by the Division Bench of this Court and a decision shall be taken within a period of four weeks thereafter.

6.This writ petition is disposed of in the above terms. No Costs.

03.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



To

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N. ANAND VENKATESH, J.

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