



WEB COPY



W.P.No.3633 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3633 of 2025

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... Petitioner

Vs.

1.The Sub-Registrar
Arcot Sub-Registration Office
Arcot, Ranipet District.

2.The Chief Executive Officer
Tamil Nfadu Waqf Board
No.01, Jaffar Syrang Street
Vallal Seethakathi Nagar, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records in pursuant to the refusal slip in Refusal No. RFL/Arcot/53/2024 dated 16.12.2024 issued by the 1st Respondent, consequently direct the 1st respondent to register the sale deed dated 06.12.2024.

For Petitioner

: Mr.M.Sathish Kumar



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For Respondents

: MrM.Shahjahan (for R1 & R2)
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the 1st respondent dated 16.12.2024 and for a consequential direction to the 1st respondent to register the sale deed dated 06.12.2024.

2. Heard Mr.M.Sathish Kumar, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for respondents 1 and 2.

3. The case of the petitioner is that the subject property is absolutely owned by his father Allabaksh Saibu and he wanted to sell the property in favour of the petitioner. Accordingly, a sale deed dated 06.12.2024 was executed in favour of the petitioner for which the petitioner paid a valid sale consideration. When the sale deed was presented for registration, the 1st respondent refused to register the sale deed by issuing the revised check slip on the ground that the property belongs to the Waqf Board. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. The learned counsel for the petitioner submitted that the Tamil Nadu Waqf Board has already issued a No objection certificate through letter dated 21.08.2024 and inspite of the same, the 1st respondent has refused to register the documents.

5. Taking into consideration the facts and circumstances of the case and the materials placed before this Court and more particularly, the letter dated 21.08.2023, which is said to have been issued by the 2nd respondent giving their No objection to enable the property to be dealt with by the owner, there shall be a direction to the 1st respondent to issue a notice to the 2nd respondent, to verify the authenticity of the letter dated 21.08.2024 issued by the 2nd respondent. If the letter is confirmed, the 1st respondent can proceed further to register the documents. On the other hand, if the 2nd respondent objects the registration of the document, the guidelines given 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



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135 shall be followed. In any event, the process shall be completed within a period of four weeks from the date of receipt of the copy of this order.

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

07.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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Arcot Sub-Registration Office
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- 2.The Chief Executive Officer
Tamil Nfadu Waqf Board
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N. ANAND VENKATESH.J,

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