



W.P.No.13609 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

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R.Ragunath

...Petitioner(s)

Vs.

1. State of Tamilnadu rep by its Secretary
Registration & Commercial Tax Department,
Fort St.George, Chennai-600 009.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai-600 028.
- 3.The District Registrar,
V.Street, Veeraraghava Nagar,
Thiruvallur-602 001.
- 4.The Sub Registrar,
Saidapet, Chennai-600 035.
- 5.Tamilnadu Waqf Board rep. By its
Principal Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethahakathi Nagar,
Chennai-1.

...Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, calling for records and



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quashing the impugned order dated 07.01.2025 vide RFL/1 Joint Sub Registrar, South Chennai/3/2025 issued by the 4th respondent in the light of the judgement passed in W.P.No:914/2025 dated 21.01.2025 and W.P.No:11261/2023 dated 21.09.2023 and consequently direct the fourth respondent to register the property document of the petitioner concerning the Old Survey No.187/3D, 187/3D1 and the New Survey No.187/48 for effecting the sale and/or equitable mortgage or any other registration mode as regards the said property.

For Petitioner(s) : Mr.Ravi Anantha Padmanabhan
Senior Advocate
for Mr.S.Dayanand

For Respondent(s) : Mr.U.Baranidharan for R1 to R4
Special Government Pleader
Mr.T.Sai Krishnan for R5

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed praying for a writ of certiorarified mandamus, challenging the refusal slip dated 07.01.2025, whereby the petitioner's property document was sought to be rejected on the premise that a writ appeal in W.A.No.3171 of 2023 is pending and to obtain No Objection Certificate from the wakf board.



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3. It is submitted by the learned counsel for the petitioner that the petitioner is the owner of the property comprised in Survey No.187/48 as per patta (Old Survey No.187/3D, New Survey No.187/3D1), situated at Vanagaram Village, Porur, Chennai.

3.1. It is further submitted that the subject property forming part of Survey No.187, is the subject matter in Civil Appeal No.5334 of 1993, dated 03.10.2002 before the Hon'ble Apex Court, wherein claim regarding existence of public mosque on the disputed land, was in dispute and examining the revenue records it was found that there was no material evidence to show that there was a public mosque or the use of the subject land as a burial ground. The relevant portion is extracted hereunder:

“4. The question whether there ever existed a public mosque in the disputed land is essentially a question of fact and it can never be termed as a substantial question of law. The trial court as well as the appellate court concurrently held that the plaintiff-respondents had failed to establish that there was a public mosque. Further both the courts inter alia found that (1) non-mention of disputed mosque as a wakf property in exhibit. B1, the gazette publication dated 17.12.1958 containing the list of wakfs existing at the time in Chengaleput district, that, (2) the absence of reference to any mosque in exhibit. B2, the settlement register extract, exhibit. B3, Inam register extract, exhibit. 84, Inam title deed lead to the conclusion that there never existed any public mosque, that there was no dedication of building for the purpose of public mosque by the original founder and that the land was never used as a public mosque or the Muslim community have ever used the land as a burial ground. Curiously



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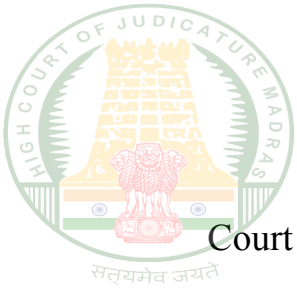
enough, the High Court after reappraising the evidence held that the possibility of a building having been erected initially which served as a mosque could not be ruled out. This was speculative and conjectural finding. The High Court has not recorded any definite finding that earlier there existed a public mosque. In absence of such a finding no relief could have been granted to the plaintiffs.”

3.1. It is further submitted by the learned counsel for the petitioner that under similar circumstances pertaining to Survey No.187/1, Vanagaram Village, Porur, this Court in W.P.No.11261 of 2023, dated 21.09.2023, has set aside the communication issued by the 5th respondent to the 4th respondent. The relevant portion of the order is extracted hereunder:

“17. As mentioned earlier, the impugned communication was made by the 5th respondent without referring to earlier order passed by the Apex Court in C.A.No.5334 of 1993 and its own resolution dated 23.07.2003 and order passed by this Court in CRP.Nos.125/2007 and 1237 of 2006. The impugned communication was made by 5th respondent on a mistaken assumption that High Court-s order in S.A.No.224 of 1984 was confirmed in C.A.No.5334 of 1993. Accordingly, the impugned communication is liable to be set aside.

18. In view of the discussion made earlier, the writ petition is allowed by setting aside the impugned communication of the 5th respondent to 4th respondent.”

3.2. It is further submitted by the learned counsel for the petitioner that in another case involving similar facts with respect to Survey No.187/38 (Old Survey No.187/3D, New Survey No.187/3D1), this



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Court in W.P.No.914 of 2025, dated 21.01.2025, has set aside the refusal check slip passed by the 4th respondent therein and directed the 4th respondent to register the document.

4. When this was pointed out, learned Special Government Pleader for the respondents 1 to 4 would submit that the petitioner may re-present the document for registration and if any such property document is re-presented, the same would be registered, if it is otherwise in order within a time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5. This Court posed a question to both the learned counsel for the petitioner as well as for the respondents as to whether any interim orders has been passed in the said writ appeal in W.A.No.,3171 of 2023 and it was submitted that no interim orders has been granted.

6. In view thereof, the writ petition stands disposed of. It is open to the petitioner re-present the property document for registration and on such representation, the same would be registered if it is otherwise in order. If for any reason, registration of property document is sought to



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be refused, the 4th respondent shall issue refusal slip/order assigning appropriate reasons. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. No costs.

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Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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