



W.P.No.12385 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.12385 of 2024

Mr.H.Ahamed Faizal

: Petitioners

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.

2.The Sub Registrar,
Triplicane,
Chennai-600 014.

3.Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for records on the file of the second respondent bearing Refusal Number:RFL/Triplicane/30/2024, dated 24.04.2024 and quash the same as arbitrary, illegal and unconstitutional and consequently, direct the second respondent to register the sale deed dated 24.04.2024 pertaining to the petition schedule mentioned property entered into between Mr.K.M.Nazeem, and the petitioner herein without insisting for a NOC or any other document from the third respondent herein and pass orders.



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For Petitioner : Mr.P.Abhinav

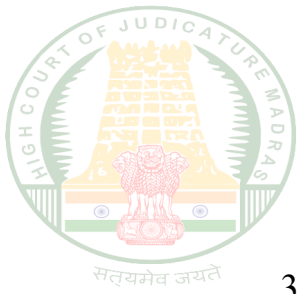
For Respondents : Mr.Abishek Murthy
Government Advocate
for R1 and R2

Mr.S.Haja Mohideen Gisthi,
Senior Standing Counsel
for R3

ORDER

The present writ petition is filed praying for a writ of certiorarified mandamus challenging the refusal check slip dated 24.04.2024 whereby the petitioner's sale deed dated 24.04.2024 presented for registration was refused on the premise that there is a letter issued by the Wakf Board dated 30.09.2020 and 23.08.2021 setting out details of the property, which belongs to the Wakf Board, thus requesting refusal of registration of any instrument in respect thereof unless a “NOC” is obtained from 3rd respondent..

2. It is submitted by the learned counsel for the petitioner that refusal slip is made without even affording the petitioner an opportunity to respond to the reasons set out in the refusal slip.



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3. Mr.S.Haja Mohideen Gisthi, learned Senior Standing Counsel representing the Wakf Board would submit that this is a case where Section 22-A 1(iv) of the Registration Act gets attracted and thus the impugned order refusing to register the sale deed does not warrant any interference.

4. Learned Government Advocate would submit that wakf property falls within the ambit of Section 22-A 1(iv) of the Registration Act, thus refusal check slip cannot be found fault in view of the fact that Wakf Board has circulated instructions not to register certain properties belonging to the wakf and the subject property is one of those items, which is enumerated therein.

5. There cannot be two views about the fact that in terms of Section 22-A 1(iv) of the Registration Act, the registering officer shall refuse registration of any instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease of wakf which are under superintendence of Tamil Nadu Wakf Board established under the Wakf Act, 1995. However, the question is whether the refusal check slip can be understood as an order under Section 71 of the Registration Act, I would think that the answer would have to be in the

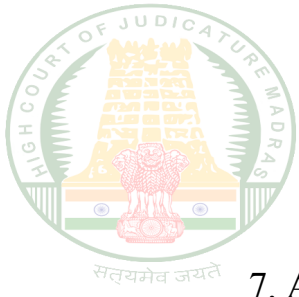


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negative. The refusal check slip is an intimation to the petitioner, who has presented the sale deed for registration informing him of the reasons which prompts the registering authorities to refuse registration.

6. In view thereof, it is open to the petitioner to submit his explanation/response to the reasons set out in the refusal check slip, within a period of two weeks from the date of uploading of web copy without waiting for the receipt of certified copy. On receipt of such explanation/response, the Sub Registrar shall hear both the petitioner as well as the Wakq Board and pass appropriate orders, in accordance with law under Section 71 of the Registration Act, keeping in view the embargo/prohibition under Section 22-A 1(iv) of the Registration Act. If for any reason, the second respondent refuses to register the sale deed, he shall assign appropriate reasons in the refusal order. It is made clear that this Court has not expressed any views 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. Rights and contentions of the petitioner and all other interested parties are left open.



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7. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

05.08.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 028.

2.The Sub Registrar,
Triplicane,
Chennai-600 014.

3.Tamil Nadu Wakf Board,
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MOHAMMED SHAFFIQ, J.

(mrn)

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