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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 14519 of 2025

AND

WP NO. 14521 OF 2025

K.Jaheer Hussain

Petitioner(s)

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,
Rep. By Its Chief Executive Officer,
No. 1, Jaffer Syrang Street,
Vallalseethakathi Nagar,
Chennai 600 001.

Respondent(s)



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WP No. 14521 of 2025

Rajappu

W/o. Jaheer Hussain, No.5-2/2,

Muktharunnissa Begum 1st Lane, Ellis

Road, Anna Salai, Chennai 600 002.

Petitioner(s)

Vs

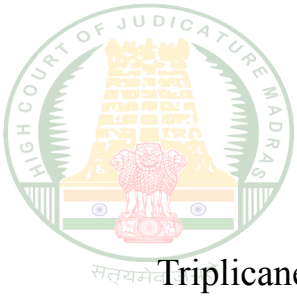
1. The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

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

3. Tamil Nadu Wakf Board,
Rep. By Its Chief Executive Officer,
No. 1, Jaffer Syrang Street,
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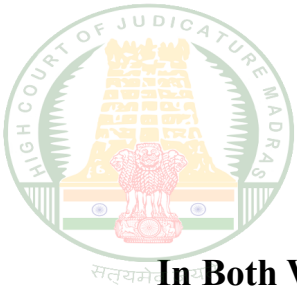
Respondent(s)

PRAYER in WP No. 14519 of 2025 Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication Refusal Check Slip bearing Refusal Number RFL/Triplicane/18/2025, dated 17.04.2025 on the file of the 2nd Respondent pertaining to the Petitioner's property in New Door No. 13, Old Door No. 6, (Old Door No. 47, 46), Balamuthu Street, Ellis Road,



Triplicane Village, Chennai - 600 002 bearing R.S. No. 148/1, Old Survey No. 266 and 268, as per Patta New R.S. No. 148/12, Block No.4 admeasuring an extent of 793 Sq.ft., (763 Sq.ft. as per patta) and quash the same as arbitrary, illegal and unconstitutional and consequently direct the 2nd Respondent to register the Sale Deed dated 17.04.2025 executed by Mr. K. Khadar Masthan in favour of K.Jaheer Hussain bearing Temporary No.TP/216747863/2025 within the time frame fixed by this Court.

PRAYER in WP No. 14521 of 2025 Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Communication Refusal Check Slip bearing Refusal Number RFL/Triplicane/17/2025, dated 17.04.2025 on the file of the 2nd Respondent pertaining to the Petitioner's property in New Door No. 13, Old Door No. 6, (Old Door No. 47, 46), Balamuthu Street, Ellis Road, Triplicane Village, Chennai - 600 002 bearing R.S. No. 148/1, Old Survey No. 266 and 268, as per Patta New R.S. No. 148/12, Block No.4 admeasuring an extent of 793 Sq.ft., (763 Sq.ft. as per patta) and quash the same as arbitrary, illegal and unconstitutional and consequently direct the 2nd Respondent to register the Sale Deed dated 17.04.2025 executed by Mrs. Bahumetha Roshan in favour of Mrs.Rajappu bearing Temporary No. TP/216739978/2025 within the time frame fixed by this Court.



In Both W.Ps
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For Petitioner(s): Mr.Niranjan Rajagopalan

For Respondent(s): Mr.P.Harish
Government Advocate
for R1 and R2
Mr.Haja Mohideen Gisthi for R3

ORDER

These writ petitions have been filed challenging the impugned refusal Check Slip dated 17.04.2025 issued by the 2nd respondent and for a consequential direction to the 2nd respondent to register the Sale Deed dated 17.04.2025 executed in favour of the petitioners and release the document.

2.Heard Mr.Niranjan Rajagopalan learned counsel appearing on behalf of the petitioners and Mr.P.Harish, learned Government Advocate appearing on behalf of respondents 1 and 2 and Mr.Haja Mohideen Gisthi, learned Standing Counsel appearing on behalf of the 3rd respondent.

3.The refusal Check Slip has been issued by the 2nd respondent on the ground that the petitioners must get a No Objection Certificate from the 3rd



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respondent. The petitioners are claiming independent right and title over the subject property and they have taken a stand that the 3rd respondent has absolutely no say in the property. On the other hand, the 3rd respondent has issued a communication to the 2nd respondent to the effect that no document should be entertained with respect to the subject property.

4. In the considered view of this Court, the 2nd respondent should have adopted 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*** (Para 25). The Division Bench has made it very clear that the summary enquiry can be conducted by the 2nd respondent and if ultimately, the parties are able to establish their right and title, the registration can be done.

5. In the light of the above discussion, the impugned refusal Check Slip issued by the 2nd respondent dated 17.04.2025, is hereby quashed. There shall be



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a direction to the 2nd respondent to conduct the enquiry and see if the communication given by the 3rd respondent is sustainable and take a decision, within a period of four weeks from the date of receipt of copy of this order.

6.In the result, both the writ petitions are allowed with the above directions. No Costs.

23-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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

2.The Sub Registrar,
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3.The Chief Executive Officer
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8/8

WP Nos. 14519 & 14521 of 2025

N.ANAND VENKATESH J.

SSR

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