



WP No.40069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 40069 of 2024

Abid Chida

... Petitioner

Vs

1.The Inspector General of Registration
No.100, Santhome High Road
Mandaiveli, Chennai - 600 028.

2.The Sub Registrar
Triplicane, Chennai - 600 005.

3.The Commissioner
The Wakf Board
No.1, Jaffar Sarang Street
Vallal Seethakathi Nagar
George Town, Chennai - 600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the second respondent vide refusal of registration of sale agreement dated 21.08.2024 in RFL/TRIPLICANE/51/2024 and quash the same as illegal and arbitrary and direct the second respondent to register the sale agreement dated 21.08.2024 and pass such other orders as this Court may deem fit and proper in the circumstances of the case.



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For Petitioner : Mr.M.R.Sheik Abdul Rahim
For Respondents : Mr.P.Harish, Government Advocate
for R1 and R2
Mr.Avinash
for Mr.Fayaz Ali
Standing Counsel for R3

ORDER

The Writ Petition is filed to quash the impugned refusal check slip of the second respondent in RFL/TRIPLICANE/51/2024 and consequently direct the second respondent to register the sale agreement dated 21.08.2024.

2. The Refusal Check Slip has been issued by the second respondent informing the petitioner to obtain a 'No Objection Certificate' from the Wakf Board, the third respondent herein, and to re-present the sale agreement for registration. According to the second respondent, the Wakf Board vide its letter No.361/2020/B6/Chennai dated 30.09.2020 and 13.09.2021 had communicated the second respondent that the property in S.No.1284/5 belongs to Wakf property.



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3. The petitioner herein was originally a tenant under the Chota Maksha Charities. A suit O.S.No.3655 of 1965 had been filed by the charities seeking an eviction of the petitioner herein. In the said suit, the petitioner/defendant has taken out an application in I.A.No.96 of 1966 under Section 9 of the Madras City Tenants Protection Act for a direction to the respondents/plaintiffs therein to sell the suit property to the petitioner. By order dated 26.04.1967, the VII Assistant Judge, City Civil Court, Madras had allowed the said application and directed the charities to sell the property to the petitioner for a sale consideration of Rs.2,875/-. A sale deed has been executed in favour of the petitioner by the charities. The letter that had been given by the Tamil Nadu Wakf Board shows the properties comprised in R.S.No.1284/5 as belonging to the charities. However, considering the fact that the petitioner had obtained a decree from the Civil Court and in compliance of the said decree, the trustees of the charities had already sold the property to the petitioner, there is no impediment for the registering authority to register the document.

4. In the above circumstances, the Writ Petition is allowed and impugned order dated 21.08.2024 is set aside. The petitioner is directed to represent the sale deed along with a copy of the order of this Court before the 2nd respondent



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within a period of two weeks from the date of receipt of a copy of this order and on such representation, the documents shall be registered. There shall be no order as to costs.

07.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To:

- 1.The Inspector General of Registration
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P.T.ASHA, J.,

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