



W.P.No.36074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.36074 of 2025

Axis Bank Ltd.,
Rep. By its Authorised Signatory,
Door No:31, Old No: 14, South Mada Street,
Mylapore, Chennai – 600 004.

... Petitioner

Vs.

1.The Inspector General of Registration,
Department of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Rajaannamalai Puram, Chennai – 600 028.

2.The Sub Registrar,
Office of Sub Registrar Padappai,
Padappai, Chennai – 601 301.

3.Tamil Nadu Waqf Board,
Rep. By its Officer,



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No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned order Refusal Check Slip dated 09.05.2025 having refusal number RFL/Padappai/12/2025 passed by the second respondent without following due process of law and consequently direct the second respondent to register the Sale Certificate presented by the petitioner with regard to Plot No.26A in Captain Sasikumar Nagar in R.S.No.349 Patta No: 202, New Survey No: 349/58, Mudichoor Village, Tambaram Taluk, Chengalpattu District within the Registration District of South Chennai and Sub Registration District of Padappai without insisting for No Objection Certificate from the third respondent.

For Petitioner : Mrs.M.R.Uma Vijayan

For Respondents 1 & 2 : Mr.P.Harish,
Government Advocate

For Respondent 3 : Mr.Haja Mohideen Gisti



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ORDER

The relief sought for in this writ petition is to for the impugned order Refusal Check Slip dated 09.05.2025 having refusal number RFL/Padappai/12/2025 passed by the second respondent without following due process of law and consequently direct the second respondent to register the Sale Certificate presented by the petitioner with regard to Plot No.26A in Captain Sasikumar Nagar in R.S.No.349 Patta No: 202, New Survey No: 349/58, Mudichoor Village, Tambaram Taluk, Chengalpattu District within the Registration District of South Chennai and Sub Registration District of Padappai without insisting for No Objection Certificate from the third respondent.

2. The case of the petitioner is that the petitioner/bank has presented the sale certificate before the second respondent on 09.05.2025



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for the purpose of registration. However, the same was rejected, by

issuing a refusal check slip dated 09.05.2025, citing the reason that the subject property belongs to Wakf Board. Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that in the event, the Wakf Board is claiming the right over the subject property, the respondents ought to have conducted an enquiry and thereafter, they would have passed the detailed order by following the law laid by this Court in the case of ***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.***

4. She would further submit that the petitioner made a request



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under the Right to Information Act, before the third respondent to furnish

the title and ownership details of the subject property. However, in the reply, no documentary evidence was available and further, no Gazette Publication was issued in terms of Section 5 of the Wakf Act, 1954. In the event of producing the Gazette Publication, the burden would have shifted on the petitioner. Moreover, in the absence of documentary evidence to prove the ownership details of the subject property, the respondents suppose to have registered the sale certificate and there is no *locus-standi* to refuse the same. Hence, she request this Court to set aside the impugned refusal check slip and pass appropriate order.

5. Learned Government Advocate appearing for the respondents 1 & 2 would fairly submit that in the present case, without conducting an enquiry, the second respondent passed the refusal check slip dated 09.05.2025. Therefore, he submit that this Court may set aside the



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impugned order.

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6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case, as rightly contended by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 & 2, the respondents ought to have conducted an enquiry, before issuing the refusal check slip dated 09.05.2025. However, without doing so, they passed the impugned order, which is a clear violation of Principles of Natural Justice. Further, the petitioner has made a request under the Right to Information Act, requesting to furnish the title and ownership details of the subject property. However, no such document is available and at the same time, the Gazette Publication is



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also not clear. Therefore, the respondents are not in a position to produce the same. Of course, Gazette Publication issued under Section 5(2) of the Act, 1954 is very important, wherein they have to publish in the Official Gazette regarding a list of Wakfs existing in the State. Under these circumstances, the respondents are suppose to have conducted an enquiry and decided the matter. For better appreciation, Section 5(2) of the Wakf Act, 1954 is extracted hereunder:

5.Publication of list of wakfs.-

(2) The Board shall examine the report forwarded to it under sub section (1) and publish in the official gazette, a list of wakfs existing in the State containing such particulars as may be prescribed.

8. In the present case, when the respondents answered for the questions raised in the Right to Information Act by the petitioner, before



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the third respondent to establish their title of Wakfs, they have stated no

documentary evidence was available to claim right over the subject

property. The respondents have stated that gazette publication is

available, but they are not in a position to produce the same. In the event

of producing the gazette publication, wherein the list of Wakfs and the

list of properties dedicated for the religious purpose or for prayer, as

defined under Section 3(l) of the Wakf Act, 1954 should have been

definitely mentioned. At this juncture, it is pertinent to extract Section

3(l) of the Wakf Act, 1954 and the same reads as follows:

3(l) “wakf” means the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious, charitable and includes ---

(i) a wakf by user;

(ii) mashrut-ul-khidmat; and

(iii) a wakf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable:

and “wakif” means any person making such dedication;



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The second respondent supposed to have considered all these aspects at the time of enquiry and thereafter, the respondents would have come to the conclusion, whether to register the sale certificate or not. But, they failed to do the same. Therefore, this Court is inclined to set aside the impugned order dated 09.05.2025, passed by the second respondent. Accordingly, the impugned order is set aside. Consequently, the respondents are directed to conduct an enquiry by issuing notice to the parties concerned and after verifying the documents as well as the Gazette Publication produced by the Wakf Board, upon re-presentation of the sale certificate by the petitioner and thereafter, take a decision. In the event the Gazette Publication does not contain survey number and extent, certainly no statutory protection will be available to the Wakf Board and the burden of proving the title, before the Civil Court shift against the Wakf Board. Until the establishment of their title, the statutory bar under



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Section 22(A) of the Registration Act, will not be available to the Wakf

Board.

Accordingly, this writ petition stands disposed. No costs.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Inspector General of Registration,
Department of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Rajaannamalai Puram, Chennai – 600 028.

2.The Sub Registrar,
Office of Sub Registrar Padappai,
Padappai, Chennai – 601 301.

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KRISHNAN RAMASAMY.J.,

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