



W.P(MD)No.10068 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10068 of 2025

- 1.B.Natesan
2. B.Ravi
3. K.Gomathy

Represented by their Power Agent namely,
C.Bagurudeen

...Petitioners

Vs.

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
Chennai.
2. The Superintendent of Waqf,
8/124, 2nd Floor,
Kaite Millath Road,
Balakarai,
Trichy District - 620 008.
3. The Tahsildar,
Trichy West Taluk,
Trichy District.
4. The Sub Registrar,
Sub Registrar Officer,
Thillainagar,
Trichy District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip issued by the 4th respondent in her



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proceedings in Refusal No. RFL/Thillainagar/70/2025 dated 18.03.2025 and to quash the same as illegal and consequently, to direct the 4th Respondent to register the sale deeds or settlement deeds or MOD or any other documents when presented for registration by the petitioner with respect to the subject property bearing in Old S.No.151/1 and new T.S.No.97 to an extent of 1 Acre 10 cents equivalent to 4450 Sq.Meter of the vacant land in ward-J, Block No.14 in T.D.No. 560, situated in Uyyakondanthirumalai Village, Srirangam Taluk and now presently Tiruchirapalli West Taluk, Woraiyur sub registration district, Tiruchirapalli District, by removing the entries made in the Government Guideline Value Register maintained by the 4th respondent with respect to the subject property and without insisting No Objection Certificate from the 1st and 2nd respondents.

For Petitioners :Mr.K.Mahendran
For R1 & R2 :Mr.S.A.Ajmal Khan
For R3 & R4 :Mr.D.Sasikumar
Additional Government Pleader

ORDER

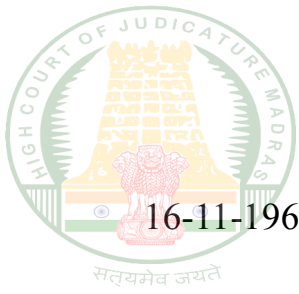
The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip issued by the 4th respondent in her proceedings in Refusal No. RFL/Thillainagar/70/2025 dated 18.03.2025 and consequently, to direct the 4th Respondent to register the sale deeds or settlement deeds or MOD or any other documents when presented for registration.



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2.The contention of the petitioner is that he is entitled to the property through partition. According to the petitioner, the petitioner's family is holding the property from 1999. He has exclusively inherited the property through partition. The petitioner further submitted that the vendor was not the owner of the property for which he relied on the village records wherein it is stated that one Rajalakshmi is the owner of the property. When the dispute arose between the Waqf Board and the petitioner, the Tasildar has conducted an enquiry and passed an order, dated 16.05.2024 wherein it is stated that survey No.151/1 was not registered as Tamil Nadu Waqf Variyam but it has been registered in the names of Nadesan and Ravi, sons of Bala Subramanian and one Gomathi. The said report was considered by the Waqf Board. The Zonal Administrator of Waqf Board, Trichy, has written a letter to the Tamil Nadu Waqf Board dated 19-08-2024 wherein he has also relied on the Tasildar's report and has stated since the petitioner is having patta under Settlement Act as early as 1963, an enquiry ought to be conducted, thereafter, an order can be passed. Based on the said objection of the Waqf Board, the respondents have refused to register the sale deed through the impugned proceedings.

3.After verifying the facts and other documents, it is seen that the petitioner's vendor namely, Natesan and others were granted a settlement patta as early as 1963 itself. Based on the இருவாரம் rights, in T.R.No. 47 of 1967 dated



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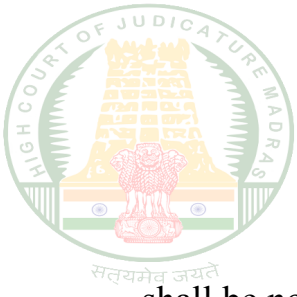
16-11-1967 and patta was issued in the year 1967.

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4.The learned Standing Counsel appearing for the Waqf Board submitted that the said property belongs to the Waqf Board based on the pro forma wherein it has been stated that Serial No.151/1 to an extent of 1 acre 10 cents belongs to Abdul Kareem. He has also relied on the Register of Inams in the village of Uyyakondanthirumalai wherein it has been referred to the old survey No.45 to the extent of 1 acre 10 cents and title deed T.D.No.560 belongs to Waqf Board.

5.Even though these documents stated that the said land belongs to Waqf Board, it has to be correlated. Further, once the settlement Tasildar has passed an order under Inam Abolition Act, the order will attain finality, since no appeal was preferred by the rival claimant, Waqf Board.

6.Therefore, this Court is of the considered opinion that the Waqf Board cannot claim rights. However, the Waqf Board is at liberty to prefer an appeal, if available as per law. Based on the objections of the Waqf Board, the respondents cannot decline registration. Therefore, their impugned order is set aside and the respondents are directed to register the petitioner's documents within a period of 4 weeks from the date of receipt of a copy of this order.



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7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg

To:

1. The Tahsildar,
Trichy West Taluk,
Trichy District.
2. The Sub Registrar,
Sub Registrar Officer,
Thillainagar,
Trichy District.



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.10068 of 2025**

DATED : 07.07.2025