



W.P.N
and W.M.P.Nos.15106 & 15107 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.13919 of 2024
and W.M.P.Nos.15106 & 15107 of 2024

Rashiya Begum

... Petitioner

Vs.

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

2. The Sub Registrar,
Triplicance, Chennai – 600 014.

3. Tamil Nadu Waqf Board,
Rep. By its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

4. Kuraisia Mosque Waqf,
Rep. By its Authorised Representative,
Mukthar Nisha Begum Street,
Ellis Road, Chennai – 600 002.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to impugned communication bearing Rc.No.361/2020/B6/Chen, dated 23.08.2021 and 24.05.2022, on the file of the third respondent pertaining to inclusion of the petitioner's property bearing R.S. No.76, Triplicane Part-2 to the fourth respondent and quash the same as arbitrary, illegal and unconstitutional and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner : Mr.Abhinav Parthasarathy

For R1 & R2 : Mrs.Aswini Devi.K

Additonal Government Pleader

For R3 : Mr.Fakkir Mohideen

TNWB

For R4 : Ms.Sowjanya

ORDER

Challenge in this writ petition is to the impugned communication bearing Rc.No.361/2020/B6/Chen, dated 23.08.2021 and 24.05.2022, on the file of the third respondent pertaining to inclusion of the petitioner's property bearing R.S. No.76, Triplicane Part-2 to the fourth respondent and quash the same as arbitrary, illegal and unconstitutional.

2. The learned counsel for the petitioner would submit that the petitioner is a Widow having school going children and the petition mentioned property was purchased by her husband in her name out of his own earnings in the year 2004 for a valuable consideration. When the petitioner wants to deal with the property, the present



impugned communication was issued by the Waqf Board in favour of the registering authority requesting the registering authority restraining them to deal with the same.

Aggrieved by the same, the present writ petition has been filed.

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

4. The issue is no longer res integra. A Division Bench of this Court in the decision in ***Sudha Ravi Kumar v. The Special Commissioner & Commissioner, HR& CE Department [2017 (3) CTC 135]***, wherein it has been held as under:

“25. In view of the above discussions, all the Writ Petitions are allowed and the impugned Orders are set aside with the following directions:

(i) The registering Authority before whom the document has been presented shall cause service of Notice on the parties to the Deeds and also to the Objector / Religious Institution, hold Summary Enquiry, hear the parties and then either register or refuse to register the document by passing an Order having regard to the relevant facts as indicated above.

(ii) If the registering Authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a Statutory Appeal under the Act.

(iii) If the objections raised under Section 22-A of the Act by the Religious Institution are rejected and the document is registered, the remedy for the Religious Institution is to either approach this Court by way of a Writ Petition



seeking cancellation of the registration or for any other relief or to approach the Civil Court for declaration of the title and for other consequential reliefs.

(iv) If the registering Authority refuses to register the document acting on the objections raised by a Religious Institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a Statutory Appeal.

(v) We further direct that if the deed has already been registered without there being any objection by the Religious Institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the Religious Institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering Authority shall not withhold the Deed, which has already been registered.

(vi) Consequently the connected Miscellaneous Petitions are closed. No costs."

5. In view of the aforesaid decision, this writ petition is disposed of with a direction to the 2nd respondent to follow the procedure contemplated in the decision in *Sudha Ravi Kumar (cited supra)* and the impugned communication issued by the 3rd respondent to the 2nd respondent is clarified and the same shall be implemented in terms



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of the order passed by the Division Bench, in the decision cited supra. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

Jvm

To

1.The Inspector General of Registration,
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Chennai – 600 028.

2.The Sub Registrar,
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3.The Chief Executive Officer,
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M.DHANDAPANI, J.

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