



W.P.No.19088 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED: 22.01.2026**

**CORAM :**

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Writ Petition No.19088 of 2025  
and W.M.P.No.21398 of 2025

- 1.S.Devarajan
- 2.I.Ramakrishnan
- 3.Sr.Mary Melba
- 4.T.D.Balamurugan
- 5.T.D.Megalai
- 6.K.Kishore
- 7.Manickam
- 8.Kavitha
- 9.D.Santhram
- 10.B.Thukkaram
- 11.Kamesh
- 12.A.Sivalingam
- 13.Selvi
- 14.A.Eswaran
- 15.S.A.Mohanachandran
- 16.T.Malarkodi
- 17.K.Muthaian
- 18.P.Sankaralingam
- 19.A.Kumar
- 20.V.Ravichandran
- 21.R.Devi

**.. Petitioners**

**Vs.**



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- 1.The Collector  
Chengalpattu District, Chengalpattu.
- 2.The Inspector General of Registration  
No.100, Santhome High Road, Chennai – 600 028.
- 3.The Deputy Inspector General  
Registration Department, No.10, Kancheepuram High Road  
Chengalpattu District – 603 002.
- 4.The District Revenue Officer  
Madurantakam Division, Chengalpattu District.
- 5.The District Registrar  
Registration Department  
JC Complex, JCK Nagar, Varanoor, Chengalpattu – 603 002.
- 6.The Sub-Registrar  
Achirupakkam, Madurantakam Taluk, Chengalpattu – 603 301.
- 7.The Chief Executive Officer  
Tamil Nadu Waqf Board, No.1, Jaffer Sirang Street  
Vallal Seethakkathi Nagar, Chennai – 600 001.
- 8.The Tahsildar  
Madurantakam Taluk Office  
Madurantakam, Chengalpattu District.
- 9.Muthavalli  
Sunnath Val Jamad Mosque &  
The Thaikka Achirupakkam Waqf, Chengalpattu District – 603 002.
- 10.Janab Sharbudeen .. **Respondents**

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the issuance of the impugned order dated 30.04.2025 in Na.Ka.2251/2025/Aa4/Chengai passed by the 7<sup>th</sup> respondent quash the same consequently direct the concerned respondents to drop all the proceedings with regard to the status and nature of the lands at Survey No.252 (all sub-division Nos.), Achirupakkam Village, Madurantakam Taluk, Chengalpattu District in the



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light of the judgment passed in O.S.No.226/1968 and order passed by the Revenue Divisional Officer dated 24.03.2023 in Na.Ka.No.5529/2022/c and grant such other suitable orders.

For the Petitioners : Mr.Mr.C.Umashankar  
For the Respondents : Mr.S.Senthil Murugan  
Special Government Pleader for RR1, 4 & 8  
Mr.Karthik Jaganathn  
for RR2, 3, 5 & 6  
Mr.Abdul Mubeen  
Standing Counsel for R7  
Mr.N.A.Nassir Hussain for R9  
Mr.Asain Ansari for R10

### **ORDER**

This Writ Petition is filed challenging the impugned order dated 30.04.2025 passed by the 7<sup>th</sup> respondent and quash the same and direct the concerned respondents to drop all further proceedings with regard to the status and nature of the lands at Survey No.252 (all sub-division Nos.), Achirupakkam Village, Madurantakam Taluk, Chengalpattu District.

2. The grievance of the petitioners is that they are the owners of Achirupakkam Village, Madurantakam Taluk, Chengalpattu District at Survey No.252. It is their case that the property does not belong to any wakf in as much



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as a suit was filed on behalf of the Special Officer of Wakf, Madras in O.S.No.226 of 1968 against their predecessors and the Civil Court framed ten issues including the issue, whether the suit property is a wakf property or not and whether the gazette notification regarding the suit property alone be final and conclusive that the property is a wakf property.

3. After considering the matter on merits, the Civil Court had answered the issue in favour of the defendants holding that the properties are not wakf properties. This apart, the property was a minor *inam* and the Settlement Tahsildar had also considered the issue and by an order dated 09.03.1972 issued *ryotwari* patta in favour of the vendor of the petitioners. Under the said circumstances, when the petitioners have duly purchased the lands in question and were in possession and enjoyment of the same, suddenly once again based on the very same proforma and the gazette notification, the property was claimed as a wakf property and the sale deed was not entertained. In this regard, the impugned communication was issued by the 7<sup>th</sup> respondent and therefore, the petitioners are before this Court.



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4. The learned counsel appearing on behalf of the wakf would submit that the wakf was not a party at all in the earlier proceedings. The learned counsel would rely upon the Judgment of the Hon'ble Division Bench of this Court in ***Sudha Ravi Kumar and another Vs. The Special Commissioner, HR & CE, Chennai***, (W.P.No.30589 of 2012 etc, Batch).

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. As rightly relied upon by the learned counsel for the petitioners in ***Sudha Ravi Kumar's case*** (cited *supra*) the Hon'ble Division Bench has held that merely because the Wakf Board or the HR & CE Department issues a communication, that by itself is not conclusive. A person claiming title to the property can submit the document before the concerned Sub-Registrar and as and when such a document is presented, it is for the Sub- Registrar to conduct an enquiry by issuing notice both to the authorities as well as to the concerned person, who presented the document and decide the issue, in accordance with law. Depending on the situation, the aggrieved party shall approach the Civil Court. Paragraph No.25 of the said Judgment is extracted hereunder for ready

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reference,

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“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.”



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7. In view thereof, mere communication dated 30.04.2025 need not be considered on merits by this Court. This Writ Petition is disposed of with the following directions,

(i) It will be open for the petitioners to present documents, with reference to the property in question claiming ownership of the property;

(ii) As and when such document is presented, it is for the registering authority as directed by the Hon'ble Division Bench of this Court in the case of ***Sudha Ravi Kumar's case*** (cited *supra*) in paragraph No.25 as extracted *supra*, to conduct an enquiry and depending on the outcome of the enquiry, the aggrieved party can approach the Civil Court;

(iii) all the issues are left open and it will be very much open for the petitioners to contend based on the Civil Suit as well as the order of the Settlement Tahsildar and it would be open for the respondents to contend otherwise also;

(iv) This Court is not expressing any opinion on any of the contentions raised with reference to the merits of the title;

(v) As and when such document is presented, the enquiry shall be undertaken and completed as expeditiously as possible, in any event, not later than eight weeks from the date of presentation of such document;

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(vi) No costs. Consequently, the connected miscellaneous petition is closed.

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Neutral Citation : Yes

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To

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Chengalpattu District, Chengalpattu.

2.The Inspector General of Registration

No.100, Santhome High Road, Chennai – 600 028.

3.The Deputy Inspector General

Registration Department, No.10, Kancheepuram High Road

Chengalpattu District – 603 002.

4.The District Revenue Officer

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5.The District Registrar

Registration Department

JC Complex, JCK Nagar, Varanoor, Chengalpattu – 603 002.

6.The Sub-Registrar

Achirupakkam, Madurantakam Taluk, Chengalpattu – 603 301.

7.The Chief Executive Officer

Tamil Nadu Waqf Board, No.1, Jaffer Sirang Street

Vallal Seethakkathi Nagar, Chennai – 600 001.

8.The Tahsildar

Madurantakam Taluk Office

Madurantakam, Chengalpattu District.



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**D.BHARATHA CHAKRAVARTHY, J.**

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