



U IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 37425 of 2025

D.Parthasarathy

..Petitioner

Vs

1. Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallai Sethakathi Street,
Triplicane, Chennai – 600 005.
2. Inspector General of Registration,
Santhome High Road,
Pattinapakkam, Chennai – 600 028.
3. Sub Registrar
Triplicane Sub Registrar Office,
No.182, Bharati Salai,
Royapettah, Chennai – 600 014.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the first and second respondents to consider the representation dated 19.08.2025 and remove the first respondent from marking and block in the online registration records in respect of the petitioner's schedule mentioned property situated in bearing a land of RCC roof top building, 3 floor building, measuring of 702 sq.ft Survey No.197/3 of SRO Triplicane Taluk, Chennai District, constituting Old Door No. 14, New Door No. 26, Gulam Mohideen Street, Mount Road, Chennai – 600 002.



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For Petitioner:

Mr.S.Vijayaganesh for Mr.S.P.Jino

For Respondents:

Mr.Abdul Mubeen for R1

Ms.Akila Rajendran

Government Advocate for R2 & R3

ORDER

This writ petition is filed to consider the representation of the petitioner dated 19.08.2025 and to remove the first respondent from marking and blocking with reference to the registration records, in respect of the property of the petitioner being land and building measuring 702 sq.ft., Survey No.197/3, within the jurisdiction of the Sub Registrar, Triplicane Taluk, Chennai District, bearing Old Door No.14, New Door No.26, Gulam Mohideen Street, Mount Road, Chennai – 600 002.

2. According to the petitioner, the petitioner purchased the property by a registered sale deed. The petitioner's vendor purchased the property on orders of Court and the same is recorded in the sale deeds. There is absolutely no encumbrance in the right, title and interest of the petitioner. While so, without even verifying, the first respondent Waqf Board had generally issued letters in respect of all the properties found in the proforma, on account of which now the Sub Registrar is refusing to register the document. When the petitioner went to the office of the Sub Registrar, he was informed that the property has been flagged and therefore the petitioner is before this Court.



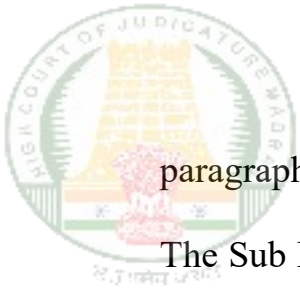
3. The learned counsel appearing on behalf of the Waqf Board would submit that while the prayer is made with reference to Survey No.197/3, a perusal of the sale deed, is in respect of Survey No.197/7. Therefore, it has to be seen whether the property is a Waqf property or whether it is the petitioner's property.

4. The learned counsel appearing on behalf of the Sub Registrar would submit that even as per the prayer in the writ petition, the representation was made only on 19.08.2025 and immediately the petitioner approached this Court.

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

6. The matter is no longer *res integra*, having been dealt with by the Hon'ble Division Bench of this Court in ***Sudha Ravikumar and another vs. The Special Commissioner & Commissioner, Hindu Religious and Charitable Endowments Department***¹. The Hon'ble Division Bench has held that merely because a letter is sent by the Waqf Board or the Hindu Religious and Charitable Endowments authorities, as the case may be, to the Sub Registrar, the same will not by itself be binding on either the Sub Registrar or the individual who claims title to the property. Detailed directions are given in

¹2017 (3) CTC 135



paragraph 25 of the said judgment for the Sub Registrar to conduct an enquiry.

The Sub Registrar shall conduct an independent enquiry to find out whether the property is the absolute property of the petitioner or whether it can be termed as a Waqf property and the aggrieved party, as such, shall approach the Civil Court depending on the decision of the Sub Registrar. The entire directions that are given in paragraph 25 is extracted hereunder for ready reference:

“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 objection 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."*

7. In view thereof, this writ petition is ***disposed of*** on the following terms:

Notwithstanding the letter given by the first respondent and the marking of the property, it will be open to the petitioner to present any document and deal with the property and as and when such document is presented, it is for the third respondent - Sub Registrar to conduct the enquiry as directed by the Hon'ble Division Bench by issuing notice to the petitioner as well as the Waqf or the Waqf Board and decide the issue in the manner known to law and depending on the decision whether to register or refuse, the person aggrieved shall approach the appropriate Civil Court. No costs.

05-02-2026

Neutral Citation: Yes/No

NSL



To

1. The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Vallai Sethakathi Street,
Triplicane, Chennai – 600 005.

2. The Inspector General of Registration,
Santhome High Road,
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3. The Sub Registrar
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D.BHARATHA CHAKRAVARTHY, J.

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