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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 43469 of 2026

CNR:{HCMA012561092026}

1. S.Kalavathi
W/o. K.C. Somasekar Ayyer, 11-1D ,
Thirumurugan 4th street, Kalakshetra
colony, Besant Nagar, chennai 90

2. M.S.RAvi
M.A.Subramanian, D.No. 56 , New no.
18, Vaithiyar Annamalai street,
Mylapore, Chennai 90

Petitioner(s)

Vs

1. The Sub Registrar
Mylapore Chennai 18

2.The Tamil Nadu Waqf Board
Rep. by its chief Executive officer,
No.1, Jaffer Syrang Street, Vallal
Seethakathi Nagar (Behind Custom
House), Parrys, Chennai 01

Respondent(s)

PRAYER

Calling for records of the impugned Refusal Check Slip dated 16.10.2026 RFL/ Mylapore/ 235/ 2026 made by the 1st respondent quash the same as illegal, arbitrary and violative of Art. 300A of the constitution and consequently direct the 1st respondent to entertain, register and release the sale deed dated 16.10.2026 without insisting for NOC from the 2nd respondent.

For Petitioner(s): Mr.R.Prabakar

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For Respondent(s): Mr.V.Thamilanban ,Govt
Advocate for R1

Mr.C.Shankar for
Mr.K.Vaidhyanathan for R2

ORDER

Heard Mr. R. Prabakar for the petitioners and Mr. V. Thamilanban, Government Advocate for the first respondent and Mr. C. Shankar representing Mr. K. Vaidhyanathan for the second respondent.

2. The property situated at R.S. No.825/16, Venkataswamy Street, Triplicane, Chennai – 600 005 was originally a Waqf property. The petitioners claim that the Waqf Board had passed a resolution on 10.02.1986, authorising the Muthavalli, one Janab G. Ali Ahmed Saheb to alienate the property in favour of one S.S. Rajan. On the basis of the permission granted by the Waqf Board, the property was also sold in favour of the said Rajan on 29.12.1989. The said Rajan had alienated the property in favour of one M/s. Modern Builders Limited. Flats were constructed and sold in favour of one D. Rajagopal. D. Rajagopal sold the property in favour of one G. Syamala. G.Syamala passed away, leaving behind her mother one Thangammal. Thangammal alienated the property in favour of the first petitioner. The first petitioner alienated a portion of the property in favour of the second petitioner.

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3. The cause of action for the present writ petition arose when the petitioners 1 and 2 attempted to execute a sale deed in favour of third parties. The first respondent passed the impugned refusal check slip, stating that the property is a Waqf property. Aggrieved by the same, the petitioners are before this Court.

4. The position of law has been settled by a Division Bench of this Court in ***Sudha Rani Kumar and Others Vs. Special Commissioner, HR&CE, 2017 (3) CTC 135,*** as early as in 2017. The Division Bench had directed that in case a religious institution claims right over the property, it has to produce records before the first respondent. When the petitioners urge that the Waqf Board has authorised the alienation as early as on 10.02.1986, to claim a right over the property after a lapse of nearly 40 years is fantastic to say the least. Therefore, the impugned order is quashed, with a direction to the first respondent to issue notice to the petitioners and the second respondent. In case, the second respondent accepts to the execution of the sale deed dated 29.12.1989, the first respondent shall entertain, register and thereafter, release the sale deed to be executed by the petitioners in favour of third parties.

5. Accordingly, this writ petition is disposed of. No costs.

23-10-2026

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

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V.LAKSHMINARAYANAN J.

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