



W.P.No.50362 of 2025

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

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DATED : 05.01.2026

CORAM :

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

W.P.No.50362 of 2025

1. T.V.Subba Rao
2. S.T.Sampathraja
3. J.Veeraragava Pillai

.. Petitioners

**Versus**

1. The Chief Executive Officer,  
The Tamil Nadu Wakf Board,  
No.1, Jaffer Street,  
Vallal Seethakadi Sarang Street,  
George Town,  
Chennai – 600 001.
2. The Sub-Registrar,  
Registration Department,  
J.N.Road,  
Thiruvallur District.

.. Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1<sup>st</sup> respondent herein to remove the property in Survey No.180/3 of Perumbakkam village, Thiruvallur Taluk and District from the list of Wakf properties.



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For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.Avinash Wadwani, for R1

: Mr.A.N.Ayyadurai,  
Government Advocate for R2

### **ORDER**

This Writ Petition is filed with a prayer for a mandamus directing the first respondent to remove the property in S.No.180/3 of Perumbakkam village, Thiruvallur taluk and district from the list of waqf properties.

2. The grievance of the petitioner is that the S.No.180/3, originally belong to one *L.S.Shahchan Sahib*, *L.S.Sharbuddi Sahib* and *L.S.Ziauddin Sahib*. They sold the property to one *Rosammal* vide Doct.No.2137/1951, dated 15.05.1951. The said *Rosammal*, in turn, conveyed the property to her son and through him, the petitioners acquired title. Thereafter, the petitioners have jointly developed the property and sold it as several plots. The property has been dealt with multiple documents. In fact, several houses have come in the locality. Suddenly, for one of the transactions, when the parties approached the Sub-Registrar for presenting of the documents, it is informed that the entire S.No.180/3 is



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now claimed as Waqf property. Therefore, the petitioners are before this Court.

3. Per *contra*, *Mr.Avinash Wadwani*, learned Counsel for the Waqf Board would submit that the property was entered in the Waqf Register as early as in the year 1862 pursuant to a document No.1095/1862. Therefore, when the properties, thereafter, have been administered by the Muthavallis and duly entered into the Register, the sale to the private persons was not valid. Therefore, the Waqf is claiming a rival title.

4. The learned Counsel for the petitioners, in reply, would submit that when the purchase of their vendor was of the year 1951, now, in the year 2025, suddenly, title cannot be disputed by the Waqf.

5. Be that as it may, when the dispute as to the title is made, the appropriate forum for the petitioners is to approach the Waqf Tribunal and all these questions, including the question of limitation etc., can very well be raised in the Claim Petition.



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6. In view thereof, with the said liberty kept open to the petitioners, this Writ Petition stands disposed of. There shall be no order as to costs.

05.01.2026

Neutral Citation : no  
grs

To

1. The Chief Executive Officer,  
The Tamil Nadu Wakf Board,  
No.1, Jaffer Street,  
Vallal Seethakadi Sarang Street,  
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Chennai – 600 001.
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**and W.M.P No.56372 of 2025**

**D.BHARATHA CHAKRAVARTHY,J.**

This matter is listed under the caption ‘being mentioned’.

2. Already the Writ Petition was disposed of by directing the authorities to approach the Wakf Board. This apart, the learned counsel wants further orders to consider the case of the petitioners also. Therefore, the following paragraph 5(a) shall be added in the order as follows :

*“ As held by the Hon'ble Division Bench of this Court in Sudha Ravi Kumar and Another Vs The Special Commissioner (HR & CE) and Others (W.P.No.30589 of 2012 dated 05.04.2017), it would be open for the petitioners or any person claiming through them to present any document in respect of the property and it is for the Sub-Registrar to conduct an enquiry in terms of the directions given in para 25 of the learned Division Bench judgment and the aggrieved party can take recourse as directed by the Division Bench also.”*



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3. Registry is directed to add the above said para in the order and  
issue fresh order copy.

mtl

**27.01.2026**



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**D.BHARATHA CHAKRAVARTHY, J.**

mtl

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