



.W.P.(MD) No.4875 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.4875 of 2026

and

W.M.P.(MD).No.4100 of 2026

Fashihunnisa

... Petitioner

Vs

1.The Joint Sub Registrar No.3,
Office of Joint Sub Registrar No.3,
Tiruchirappalli.

2.The Tamil Nadu Waqf Board,
represented by its
the Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-01.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the refusal check slip No.RFL/3, Joint Sub Registrar Trichy / 17 / 2025, issued by the respondent dated 06.02.2025 to quash the same as illegal and consequently directing the respondent to register the document presented by the petitioner within the time stipulated by this Court.



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For Petitioner : Mr.D.Kesavan
For R-1 : Mr.K.S.Selva Ganesan,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip No. RFL/3, Joint Sub Registrar, Trichy / 17 / 2025, issued by the first respondent dated 06.02.2025 and consequently seeking a direction to the first respondent to register the document presented by the petitioner within the time stipulated by this Court.

2. Mr.K.S.Selvaganesan, learned Additional Government Pleader, takes notice for the first respondent. Since no adverse order is proposed to be passed against the second respondent, notice to the second respondent is dispensed with.

3. The learned counsel appearing for the petitioner submitted that the impugned refusal check slip was issued on the ground that an objection had been raised by the second respondent. However, no proper enquiry was conducted before refusing registration of the document.

4. The learned Additional Government Pleader appearing for the first respondent submitted that since objections were received from the second respondent, the first respondent refused to register the document. However, admittedly, no opportunity was provided to the petitioner or



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the second respondent to explain their respective positions before passing the impugned order.

5. In such circumstances, this Court is of the considered view that when an objection is received from a third party, the registering authority ought to conduct a proper enquiry, after affording an opportunity of hearing to both the petitioner and the objector, and thereafter pass appropriate orders as to whether the document is to be registered or refused.

6. In the present case, no such procedure has been followed. Therefore, the impugned refusal check slip suffers from violation of the principles of natural justice and is contrary to the law laid down in *AIR 2017 Madras 203* in the case of *Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai and another*. Accordingly, the impugned order dated 06.02.2025 is set aside.

7. The petitioner is directed to re-present the partition deed dated 06.02.2025 before the first respondent. It is submitted that the property in question originally belonged to Dhahurunnisa in the year 1978 and thereafter the parties have presented the partition deed for registration. If the second respondent intends to raise any objection on the ground that



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the property is a waqf property, it is incumbent upon them to produce materials to substantiate the same, including proof that the property has been included in the list of waqfs and duly published in the Official Gazette in terms of Section 5 of the Waqf Act.

8. In the absence of such material, this Court does not find any impediment for the first respondent to register the document. Upon re-presentation of the document, if no notification under Section 5 of the Waqf Act is produced to show that the property has been notified as waqf property, the first respondent shall register the document, if it is otherwise in order.

9. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

23.02.2026

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



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To

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KRISHNAN RAMASAMY, J.

TSG

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