



W.A.Nos.2244 of 2024 and 3171 of 2023

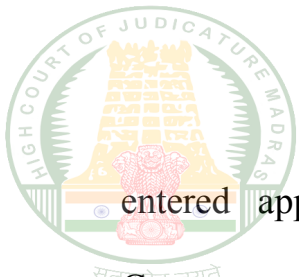
W.A.Nos.2244 of 2024 and 3171 of 2023 and
C.M.P.Nos.15774/2024 and 26011/2023

D.KRISHNAKUMAR,ACJ.
AND
K.KUMARESH BABU,J.

Challenging the communication dated 19.03.2021 sent by the Tamil Nadu Waqf Board / R5 to the 4th respondent in the Writ Petition, requesting R4 not to register any document in respect of S.Nos.187/1, 187/2 and 187/3, a Writ Petition in W.P.No.11261 of 2023 had been filed before the Writ Court, in which, learned Single Judge quashed the said communication on 21.09.2013. Aggrieved by the same, both the Government and the Waqf Board have filed respective and separate Writ Appeals before this Court.

2. In W.A.No.2244 of 2024 filed by the Government, Mr.V.Prakash, learned Senior Counsel for Mr.P.Chandrasekaran, learned counsel has entered appearance for R1 and R2 and Mr.S.Silambanan, learned Senior Counsel for Mr.S.Haja Mohideen Gisthi, learned counsel for R3.

3. In the Writ Appeal filed by the Waqf Board in W.A.No.3171 of 2023, Mr.V.Prakash, learned Senior Counsel for Mr.P.Chandrasekaran, learned counsel has



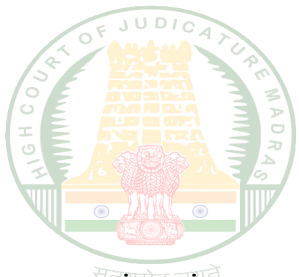
entered appearance for R1 and R2 and Mr.A.Edwin Prabhakar, learned State Government Pleader for R3 to R6.

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4. Learned Senior Counsel for R1 and R2 contended that when documents were presented before the concerned Registrar for registration, the same was refused to be registered on the basis of the communication of the Waqf Board impugned in the Writ Petition. After hearing the submissions of the parties, learned Single Judge quashed the said communication, holding as under:

“17. As mentioned earlier, the impugned communication was made by the 5th respondent without referring to earlier order passed by the Apex Court in C.A.No.5334 of 1993 and its own resolution dated 23.07.2003 and order passed by this Court in CRP.Nos.125/2007 and 1237 of 2006. The impugned communication was made by 5th respondent on a mistaken assumption that High Court's order in S.A.No.224 of 1984 was confirmed in C.A.No.5334 of 1993. Accordingly, the impugned communication is liable to be set aside.”

5. Learned Senior Counsel for R1 and R2 further contended that the Joint-1 Sub Registrar, Saidapet, Chennai has no right to refuse registration of documents presented before them. However, he has pointed out that the grounds raised in the Writ Appeals have to be adjudicated in detail at the time of final hearing.



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6. Upon hearing the submissions on either side, we are not inclined to grant interim stay of the order of the learned Single Judge. The concerned Sub Registrar shall register the documents, if they are otherwise in order, within two weeks from today and such registration will be subject to the outcome of the result in the Writ Appeals. It is made clear that the Respondent Nos.1 & 2 herein shall not make any encumbrance on the subject property. It is also made clear that this interim order is passed only in respect of R1 & R2 herein alone and it will not be treated as precedent by others to come with the similar plea.

7. At this juncture, learned State Government Pleader brought to the notice of this Court that pursuant to initiation of contempt proceedings by the Writ Petitioners, the appearance of the Inspector General of Registration, Chennai was insisted by the Writ Court. The appearance of the Inspector General of Registration, Chennai is dispensed with, till a final verdict is rendered in these Writ Appeals.

List these matters for hearing *after eight weeks*.

[D.K.K.,ACJ.] [K.B.,J.]
25.07.2024

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THE HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.
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25.07.2024