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

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.07.2026

DELIVERED ON : 07.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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

and C.M.P.Nos.15774 of 2024; 26011 of 2023; 8956, 8965, 14632 and
18998 of 2026

W.A.No.2244 of 2024:

- 1.The Government of Tamil Nadu
Rep by its Secretary Registration and
Commercial Tax Department,
Fort St. George, Chennai- 600 009.
- 2.The Inspector General of Registration
Registration Department,
No.100, Santhome High Road,
Pattinampakkam, Santhome,
Raja Annamalaipuram, Chennai 600 028.
- 3.The District Registrar
MV Street, Veeraraghava Nagar,
Thiruvallur 602001.
- 4.The Joint-1 Sub Registrar
Saidapet, Nandanam, Chennai 600 035.

Appellants

Vs

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- 1.Dr. K.Harshavardhan Reddi
New No.18, Dr.Thomas Road,
T.Nagar, Chennai 600 017.
 - 2.Dr.H Rupa Lakshmi
New No.18, Dr.Thomas Road,
T.Nagar, Chennai - 600017.
 - 3.Tamil Nadu Waqf Board
Rep. by its Principal Executive Officer,
No.1, Jaffersyrang Street,
Vallalseethakathi Nagar,
Chennai 600 001.
 - 4.Porur Shiek Manyam Masjid E
Khairunnissa Muslim Jamath
Rep. by Committee Vice President,
A.Mohamed Ibrahim,
S/o. M.S.Aliyar Bai,
Porur Shiek Manyam Masjid E Khairunnissa,
Sheikmanyam, Vaanagaram,
Chennai-95.
- [4th respondent impleaded vide
order dated 8.4.2025 made
in CMP 18111 of 2024]

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.11261 of 2023, dated 21.09.2023.

For Appellant(s): Mr.Mohammed Fayaz Ali
Special Government Pleader



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For Respondent(s): Mr.V.Prakash
Senior Counsel
for Mr.P.Chandrasekaran
for R1 and R2

Mr.Avinash Wadhwani
and Mr.A.Aashik Kareem
for R3

Mr.N.A.Nissar Ahamed,
Senior Counsel
for Mr.I.Kowser Nissar
for R4

W.A.No.3171 of 2023:

Tamil Nadu Waqf Board
Rep. by Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai- 600 001.

Appellant

Vs

- 1.Dr. K.Harshavardhan Reddi
New No.18, Dr.Thomas Road,
T.Nagar, Chennai-600 017.
- 2.Dr. H.Rupa Lakshmi
New No.18, Dr.Thomas Road,
T.Nagar, Chennai-600 017.
- 3.Government of Tamil Nadu
Rep. by its Secretary
Registration and Commercial Tax
Department,
Fort St. George,
Chennai- 600 009.



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4. Inspector General of Registration
Registration Department,
No.100, Santhome High Road,
Pattinapakkam, Santhome,
Raja Annamalaipuram
Chennai-600 028.

5. The District Registrar
M.V. Street, Veeraraghava Nagar,
Thiruvallur 602 001.

6. The Joint-I Sub Registrar
Saidapet, Nandanam,
Chennai 600 035.

7. Porur Shiek Manyam Masjid E
Khairunnissa Muslim Jamath
Rep. by Committee Vice President,
A. Mohamed Ibrahim,
S/o. M.S. Aliyar Bai,
Porur Shiek Manyam Masjid E
Khairunnissa,
Sheikmanyam, Vaanagaram,
Chennai-95.

[7th respondent impleaded vide
order dated 8.4.2024 made in
CMP No.18113 of 2024]

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.11261 of 2023, dated 21.09.2023.

For Appellant: Mr. Avinash Wadhwani
 and Mr. A. Aashik Kareem



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

For Respondent(s): Mr.V.Prakash
Senior Counsel
for Mr.P.Chandrasekaran
for R1 and R2

Mr.Mohammed Fayaz Ali
Special Government Pleader
for R3 to R6

Mr.N.A.Nissar Ahamed
Senior Counsel
for Mr.I.Kowser Nissar
for R7

COMMON JUDGMENT

THE CHIEF JUSTICE

These two intra-court appeals challenge the judgment dated 21.09.2023 passed in W.P.No.11261 of 2023, whereby the learned Single Judge set aside a communication issued by the Tamil Nadu Waqf Board dated 19.03.2021 requesting the registering authorities to stop registering any property transactions relating to the lands in Survey No.187 (subdivided as 187/1, 187/2, and 187/3) situated at Vanagaram Village, Poonamallee Taluk, Thiruvallur District, claiming that the entire tract belonged to a Waqf.



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2. Since both appeals arise out of the same order and concern the exact same land, we are disposing of them together through this common judgment.

3. The dispute involves an expanse of land measuring approximately 51 acres and 20 cents in Survey No. 187, Vanagaram Village. The history of ownership for this property stretches back well over a century as delineated hereunder:

(a) On 26.09.1898, Haji Muhammed Abdul Hadi Badsha Saib gifted 51 acres and 20 cents of land in Survey No.187 to his son, Hajee Muhammed Habibullah Badsha Saib.

(b) On 15.03.1917, Habibullah Badsha Saib sold the property to C.Annaiiah Naidu.

(c) On 01.05.1919, following insolvency proceedings involving Habibullah, the Official Assignee of the High Court, along with C.Annaiiah Naidu, conveyed the land to C.Jaganathan Pillai.

(d) On 31.10.1935, after C.Jaganathan Pillai was declared insolvent, the Official Assignee executed a



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sale deed in favor of N.Elumalai Chettiar.

(e) On 09.03.1960, a family partition took place between N.Elumalai Chettiar and his two sons, E.Balakrishnan and E.Sundaresa Chettiar. Under this registered partition deed, E.Balakrishnan was allotted 24 acres and 63 cents in Survey No.187/1 and 40 cents in Survey No. 187/2. His brother, E.Sundaresa Chettiar, was allotted 26 acres and 17 cents in Survey No.187/3 and 40 cents in Survey No.187/2.

(f) Following statutory inquiries under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act (Act 30 of 1963), settlement pattas were granted to E.Balakrishnan for Survey No.187/1 and to E.Sundaresa Chettiar for Survey No.187/3.

(g) After the demise of E.Balakrishnan, his title and rights eventually devolved upon his legal heirs, culminating in the title vesting in the writ petitioners, Dr.K.Harshavardhan Reddi and Dr.H.Rupa Lakshmi.



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4. At this juncture, it is apposite to refer to the prior litigations and resolutions in respect of the property in question:

(a) Certain individuals claiming to represent local Muslim worshippers filed a suit in O.S.No.674 of 1971 for a permanent injunction to prevent E.Sundaresa Chettiar from interfering with their rights of worship, alleging that a public mosque existed on the property. The Trial Court and the First Appellate Court rejected this contention, explicitly finding that no public mosque or burial ground existed on the land. Although the High Court reversed this in S.A.No.224 of 1984, the Supreme Court of India in Civil Appeal No.5334 of 1993 set aside the order passed by the High Court. The Supreme Court restored the findings of the Trial Court, observing that official records (including the 1958 Gazette list of Waqfs, Settlement Registers, Inam Registers, and Inam Title Deeds) showed no evidence of any public mosque or Waqf dedication.

(b) When an application was made to the Tamil Nadu



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Waqf Board to appoint a Managing Committee for the alleged mosque, the Board passed a formal resolution on 23.07.2003 rejecting the request. The Board held that attempting to appoint a committee for a non-existent mosque or property would directly violate the binding judgment of the Supreme Court.

(c) Thereafter, a suit in O.S.No.100 of 2005 was filed by a Jamath representative seeking a full declaration that the lands in Survey Nos.187/1 and 187/3 were Waqf properties. In the said suit, an application was filed by the predecessor in title, Elumalai Chettiar, for rejection of plaint and that application was dismissed. Aggrieved by the same, he filed C.R.P.No.125 of 2007 and this court rejected the plaint, holding that re-agitating the title of the property amounted to a gross abuse of process and re-litigation. The Special Leave Petitions challenging this rejection were dismissed by the Supreme Court.



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5. Despite this unbroken chain of judicial verdicts and its own binding 2003 resolution, the Waqf Board issued a letter on 19.03.2021 to the registering authorities, claiming the entire survey number as Waqf land and asking them not to register any documents. When the writ petitioners attempted to register a release deed between themselves, the registering authority cited this objection letter and refused to process the document. The petitioners then approached the writ court, and the learned Single Judge quashed the Waqf Board's objection letter.

6.1. Learned counsel for the appellants, in one voice, submitted that a writ petition under Article 226 of the Constitution of India cannot resolve disputes involving land title. They contended that the writ petitioners ought to have filed an original suit before the Tamil Nadu Waqf Tribunal under Section 83(1) of the Waqf Act, 1995.

6.2. It is further submitted that under Section 22-A of the Registration Act, once an objection letter or protest petition is received from a statutory body like the Waqf Board, the registering



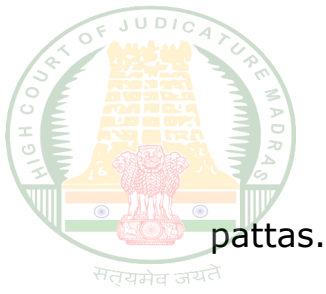
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authority has no power to adjudicate the title and must refuse registration until the parties clear the dispute.

6.3. It is argued that the lands were originally dedicated under Title Deed No.1437 to the "Sheik Maniyam Masjid-E-Kairunnisa". The Waqf Board asserted that under the principle "*once a Waqf, always a Waqf*", the mere grant of ryotwari pattas to private individuals under the Inam Abolition Act does not extinguish the original Waqf character of the property.

6.4. Learned counsel contended that the learned Single Judge exceeded the scope of the writ petition by granting a broad, omnibus relief covering the entire Survey No.187, whereas the petitioners only claimed title to Survey No. 187/1.

7.1. Learned Senior Counsel for the writ petitioners/respondents 1 and 2 herein submitted that their title is backed by registered deeds dating back to 1898. They traced title through valid court auctions, official assignee conveyances, and family partitions, all of which were further validated by statutory ryotwari



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7.2. It is further submitted that the issue of whether any part of Survey No.187 is Waqf property was settled once and for all by the Supreme Court in Civil Appeal No.5334 of 1993. Furthermore, the Waqf Board's subsequent attempt to declare the property as Waqf land through O.S.No.100 of 2005 was nipped in the bud when the High Court rejected the plaint on the ground of re-litigation, which decision was also upheld by the Supreme Court.

7.3. It is contended that Waqf Board's communication dated 19.03.2021 was legally unsustainable. It misquoted past court orders, completely ignored the Board's own binding resolution dated 23.07.2003, and was solely intended to re-agitate issues that had already reached finality.

8. Learned Senior Counsel appearing for the Jamath argued on the same terms as that of the appellants and, in effect, submitted that the disputed question of title ought not to have been decided by the learned Single Judge in a writ petition. He pleaded



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that the learned Single Judge has granted declaratory relief to respondents 1 and 2 exercising discretionary jurisdiction under Article 226 of the Constitution of India.

9. We have heard learned counsel on either side and perused the documents available on record.

10. It needs to be noted that the fourth appellant in W.A.No.2244 of 2024 filed a Status Report, wherein it is stated that pursuant to interim directions in these appeals, the release deed and power of attorney executed by the petitioners have already been registered as Document Nos.9010/2024 and 9011/2024.

11. The primary argument of the Waqf Board that the writ petitioners/respondent Nos.1 and 2 herein must be sent to the Waqf Tribunal to prove their title is completely misplaced. The question as to whether a public mosque or Waqf exists on this land was conclusively settled by the Supreme Court in Civil Appeal No.5334 of 1993. The Supreme Court explicitly held that there was no public mosque, no dedication of land for any religious purpose, and no



history of the land being used as a burial ground.

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"4. The question whether there ever existed a public mosque in the disputed land is essentially a question of fact and it can never be termed as a substantial question of law. **The trial court as well as the appellate court concurrently held that the plaintiff-respondents had failed to establish that there was a public mosque. Further both the courts inter alia found that: (1) non-mention of disputed mosque as a wakf property in exhibit. B1, the gazette publication dated 17.12.1958 containing the list of wakfs existing at the time in Chengaleput district, that, (2) the absence of reference to any mosque in exhibit. B2, the settlement register extract, exhibit. B3, Inam register extract, exhibit. 84, Inam title deed lead to the conclusion that there never existed any public mosque, that there was no dedication of building for the purpose of public mosque by the original founder and that the land was never used as a public mosque or the Muslim community have ever used the land as a burial ground. Curiously enough, the High Court after reappraising the evidence held that the possibility of a building having been erected initially which served as a mosque could not be**



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ruled out. This was speculative and conjectural finding. The High Court has not recorded any definite finding that earlier there existed a public mosque. In absence of such a finding no relief could have been granted to the plaintiffs.

5. Since the very approach of the High Court in allowing the appeal was contrary to law, this appeal deserves to be allowed. Consequently the judgment is set aside and the appeal is allowed."

[emphasis supplied]

12. Furthermore, in 2003, the Waqf Board after considering the aforesaid decision of the Supreme Court passed a resolution refusing to appoint a committee for a non-existent mosque.

13. Later, when a suit in O.S.No.100 of 2005 was filed seeking to declare the land as Waqf property, this Court, by order dated 17.4.2008 passed in C.R.P.No.125 of 2007 rejected the plaint as a clear case of re-litigation. The operative portion of the said order reads thus:

"23. Further, as rightly contended by the learned



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senior counsel that the question of declaring the suit property to be a wakf property along with the relief of permanent injunction would amount to re-litigating the issue which has been concluded by the Hon'ble Supreme Court. The present plaintiff/respondent, in fact, got itself impleaded in the civil appeal before the Hon'ble Supreme Court and the appeal came to be dismissed on 3.10.2002. Thereafter, the review application filed against the above judgment by the present respondent also came to be dismissed. Order 7 envisages of plaint to be continued the particulars and rule 11(d) states about rejection of plaint. Sub Clause of Rule 11(d) states that where the suit appears from the statement in the plaint barred by any law. **The present case on hand, already a suit was filed by the worshippers and wakf ground that the decision of the Hon'ble Supreme Court has become final and rightly denied the approval of the committee. Aggrieved by the same, the worshippers have filed a CMA 27 of 2005 challenging the resolution and also filed OS 100 of 2005 for the very same cause of action and therefore, the principle of res judicata applies. It is not deemed that the plaintiff has a right to file a suit but not for the same cause of action**



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which has been negated by the Hon'ble Supreme Court. Even in the resolution dated 23.7.2003, the Wakf Board also mentioned that it is not a Wakf property, proves the fact that the Wakf Board has not approved the case of the plaintiffs who claimed themselves to be the worshippers."

[emphasis supplied]

14. Therefore, re-issuing administrative letter in the year 2021 to block document registrations is nothing more than a back-door attempt to bypass final decisions of the highest court in the land.

15. While Section 22-A of the Registration Act allows registering officers to refuse documents when a legitimate objection is raised by a religious or public body, it does not allow public authorities to issue blanket ban on registration. An objection letter issued in complete defiance of binding Supreme Court orders and the Board's own formal resolutions is illegal and void. The learned Single Judge was justified in striking down such an arbitrary communication.



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16. The objection letter dated 19.03.2021 applied broadly to Survey Nos.187/1, 187/2, and 187/3. As the objection letter was inherently invalid, the learned Single Judge had to quash it as a whole. However, the affirmative direction to register documents was properly restricted to the land in Survey No.187/1 belonging to the writ petitioners/respondents 1 and 2 herein.

17. In our considered view, the impugned order setting aside the Waqf Board's objection letter and directing the registration of the documents presented by respondents 1 and 2 is legally sound and in tune with the directions issued by the Supreme Court.

18. Accordingly, the appeals are dismissed, confirming the order passed by the learned Single Judge. The registration of documents already completed by the registering authority (Doc Nos.9010/2024 and 9011/2024) pursuant to interim orders is hereby affirmed as final.

There shall be no order as to costs. Connected interim



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applications stand closed.

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(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
07.08.2026

Index : Yes/No

Neutral Citation : Yes/No

bbr/sasi

To:

1.The Secretary

Government of Tamil Nadu
Registration and Commercial Tax
Department,
Fort St. George, Chennai- 600 009.

2.The Inspector General of Registration

Registration Department,
No.100, Santhome High Road,
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THE HON'BLE CHIEF JUSTICE

AND

G.ARUL MURUGAN,J.



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