

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P.No.9906 of 2003

S.Parthasarathy

Petitioner

vs.

1.The Registrar of Trusts/
Joint Sub-Registrar-I
Thiruvannamalai having office at
Thiruvannamalai.

2.Yogi Ramsuratkumar Trust
Thiruvannamalai
by its Trustee Justice T.S.Arunachalam (Retired)
S/o Sambasivam.

3.Sadhu Rangarajan

4.N.S.Mani

5.Prabha Sundararaman

6.T.S.Ramanathan

7.Justice T.S.Arunachalam

8.Mataji Devaki @ Ma.Devaki

9.Mother Vijayalakshmi @ Vijayalakshmi

10.Mother Rajalakshmi @ Rajalakshmi

11.Mother Vijayakka

12.R.Anjaneyalu

13.The Commissioner of Income Tax, Chennai
having office at Chennai.

14.Ma Devaki Veda Patasala Trust, by its Trustee
Ma Devaki, D/o Sri Ranganathan Sudama
Chengam Road, Sri Ramana Nagar,
Thiruvannamalai.

15.Sri Visvanathan, Advocate, C/O Togi Ramsaratkumar Trust
Agrarharawrrai, chingam Road, Thiruvannamalai

16.State Bank of India,
Thiruvannamalai, by its
Chief Manager, having office at
Thiruvannamalai.
Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records and quash the order passed by the first respondent in his proceedings Na.Ka.No.1807/03 dated 13.03.2003 and consequently direct the 1st respondent to cancel the amendments dated 02.03.1996 to the Trust Deed dated 11.05.1993 of Yogi Ramsuratkumar Trust, culminating in the Supplemental Trust Deed as registered by the 1st respondent on the ground of being arbitrary, ultravires, illegal, null and void and consequently direct the 1st respondent to delete the amendments from its records.

For petitioner	Mr.R.Gururaj
For R1	Mr.V.Jayaprakash Narayanan, Spl.G.P.
For R7	Mr.V.Ayyadurai, Senior Counsel/AAG for Mr.J.Rajaram
For 13	Mr.S.Rajesh
RR2to6, 8to12	No Appearance
R14 and R15	

ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus calling for the records and quash the order passed by the first respondent in his proceedings Na.Ka.No.1807/03 dated 13.03.2003 and consequently direct the 1st respondent to cancel the amendments dated 02.03.1996 to the Trust Deed dated 11.05.1993 of Yogi Ramsuratkumar Trust, culminating in the Supplemental Trust Deed as registered by the 1st respondent.

2. Sri Yogi Ramsuratkumar, a mystic of Tiruvannamalai, has created and registered a Trust Deed vide Document No.35/93. Subsequently, during his life time, he wanted certain amendments to the earlier deed and therefore, a supplemental Trust Deed was presented before the Registrar, which was also registered as Document No.41/96. Yogi Ramsuratkumar attained samadhi on 20.02.2001.

3. It is the case of the petitioner that he is an ardent devotee of the Saint and he had been with the Saint all along. It is his contention that the supplemental Trust Deed document No.41/96 runs counter to the original Trust Deed Document No.35/93 and therefore, he had filed W.P.No.1162 of 2003 before this Court seeking a writ of declaration to cancel the supplemental Trust Deed Document No.41/96 dated 02.03.1996.

4. In W.P.No.1162 of 2003, this Court passed the following order on 13.01.2003:

"2. Heard the learned counsel for the petitioner in detail. After going through the various averments made in the affidavit and apprehensions raised, I am of the view that it is for the petitioner to highlight his grievance/apprehension before the first respondent, Registrar of Trusts/Joint Sub Registrar-I, Thiruvannamalai at the first instance since all those factual details cannot be gone into by this Court exercising jurisdiction under Article 226 of the Constitution of India. After making such attempt, if the petitioner could not succeed, it is for him to approach this Court by way of writ petition. On this ground, without going into the grievance of the petitioner, the writ petition is dismissed with a liberty to the petitioner to highlight his grievance before the first respondent by way of proper representation. Consequently, W.P.M.P.No.1443 of 2003 for stay is dismissed."

5. Pursuant to the order, the petitioner gave a detailed representation dated 31.01.2003 to the Registrar for cancellation of the Supplemental Deed. The Registrar sought legal opinion of the District Government Pleader and the Government Pleader, by his opinion dated 11.03.2003, has stated as follows:

"Any deed once registered cannot be cancelled by the Registrar. The Registrar cannot decide the facts of the matter or decide the right, title or interest over any property covered under deed and cancel the same.

Hence, I am of the opinion that the Registrar cannot cancel the documents namely document No.41/96 and document No.1/99."

After obtaining the opinion, the Registrar has passed the impugned order dated 13.03.2003, rejecting the petitioner's representation, aggrieved by which, the petitioner is before this Court.

6. Heard Mr.Gururaj, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the first respondent, Mr.Ayyadurai, learned Senior Counsel in his personal capacity for respondent no.7.

7. At the outset, when this Court posed a question to Mr.Gururaj, learned counsel as to how this writ petition is maintainable, he placed strong reliance on

the earlier order dated 13.01.2003 in W.P.No.1162 of 2003, wherein this Court has stated as follows:

"After making such attempt, if the petitioner could not succeed, it is for him to approach this Court by way of writ petition."

It is true that this Court has stated so in the said order. But, in the considered opinion of this Court, this Court cannot confer jurisdiction by judicial orders, when jurisdiction is otherwise not vested with an authority. For example, this Court cannot, in a writ petition, direct a Magistrate to entertain civil suits or deal with Sessions cases.

8. Mr.Gururaj, learned counsel contended that the supplementary Trust Deed runs counter to the original Trust Deed and therefore, the same is void.

9. Admittedly, both the deeds were registered during the life time of the founder Sri Yogi Ramsuratkumar. By way of a mere representation to the Registrar, a validly registered document cannot be annulled, as rightly opined by the District Government Pleader, Tiruvannamalai in his communication dated 11.03.2003.

In the result, this petition is devoid of merits and it is accordingly dismissed. No costs.

s/d-
Assistant Registrar (CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Registrar of Trusts/
Joint Sub-Registrar-I
Thiruvannamalai having office at
Thiruvannamalai.

2.The Commissioner of Income Tax, Chennai.

+2 CC to Mr. R. Gurudas, Advocate sr 2707
+2 CC to Mr. V. Ayyadurai, Advocate sr 2390
+1 CC to Mr.P.D. Audikesavalu, Advocate sr 2768
+1 CC to Mr. J. Narayanaswamy, Advocate sr 2728
+1 CC to Mr. S. Rajesh, Advocate sr 2767

NRJK (CO)
sp/2/2

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