



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P. (MD) No. 21548 of 2015

and

M.P. (MD) Nos.1 and 3 of 2015

1. ALAGU KAMBILIYAR
2. D. RAJARAM
3. S. SELVAM
4. LOGANATHAN

... Petitioners

-Vs-

1. The Inspector General of Registration,
Chennai.
2. The District collector,
Dindugal
3. The Commissioner,
Hindu Religious and Charitable Endowment,
Dindugal.
4. The District Registrar,
Dindugal District.
5. The Tahsildar,
Natham Taluk,
Dindugal District.
6. M. Perumal, Ambalam,
Managing Trustee,
Arulmigu Shri Nallaravan @ Koothandavar Temple,
Public Welfare Trust,
Door.No.2/97, 2 Ward, Mulaiyoor,
Natham Taluk,
Dindigul District

... Respondents

Prayer : This Petition filed under Article 226 of Constitution of India seeks issuance of Writ of Mandamus directing the first respondents No. 1 and 3 to cancel to the trust deed No.16/15 dated 23.09.2015 registered in the name and style of Mulaiyoor Arulmigu



Nallravan @ Koothandavar Swamy Temple Public Welfare Trust and consequently direct the Respondents Nos. 2,3 & 5 to conduct enquiry in accordance with law.

For Petitioner

: Mr.M.Ramu

For R1 to R5

: T.S.Mohammed Mohaideen,
Additional Government Pleader

For R6

: Mr.U.Anbu Saravanan

O R D E R

This writ petition is filed seeking for a Mandamus directing the respondents 1 and 3 to cancel the trust deed dated 23.09.2015 created by the 6th respondent.

2.Heard both sides.

3.The case of the petitioners that creation of the trust deed by the 6th respondent is in contradiction to the decree granted in civil suit, which ended before this court in S.A.No.237 of 2013 dated 14.07.2015. In other words, it is the contention of the petitioner that the trust deed created by the 6th respondent cannot be valid as the 6th respondent is not having any right to create such trust, in view of the findings rendered in the Second Appeal dated 14.07.2015. Therefore, the petitioners sought for a direction to the respondent 1 and 3 to cancel the trust deed created by the 6th respondent.

4.I do not think that the petitioner is justified in approaching this court by way of this writ petition seeking a direction to the official respondents 1 and 3 to cancel the trust deed. If the petitioners have any grievance against the 6th respondent in creating trust deed, which according to them, was made without having any right, it is for them to work out their remedy before the civil court by filing appropriate civil suit challenging the such creation of the trust deed. Without doing so, the petitioner cannot seek any direction to the official respondents to cancel the trust deed, which, in my considered view, is not permissible.

5.The learned counsel appearing for the petitioner submits that in view of the creation of such trust deed, the four village people are not in a position to conduct the festival and therefore, it causes great hardship for those village people. If such is the case, it is for the petitioners to approach the second respondent District Collector by way of appropriate representation for conducting the festival through a peace committee meeting, so as to see that the festival is conducted without creating any law and order problem. Therefore, this writ petition is dismissed however, by granting



liberty to the petitioner, either to approach the Civil Court for filing appropriate civil suit or the first respondent and file representation for conducting peace committee meeting. No costs.

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/True copy/

Sd/-

Assistant Registrar(Writs)

Sub Assistant Registrar

To:

1. The Inspector General of Registration,
Chennai.
2. The District collector,
Dindugal
3. The Commissioner,
Hindu Religious and Charitable Endowment,
Dindugal.
4. The District Registrar,
Dindugal District.
5. The Tahsildar,
Natham Taluk,
Dindugal District

+1cc to special Government Pleader SR.No.10941
+1cc to M/s.G.Anbu Saravanan, Advocate Sr.No.11018
+1cc to Mr.M.Ramu, Advocate Sr.No.10586

skn

sm:MR:10/03/2017:3P/9C

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