



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.17895 of 2018

and

W.M.P. (MD) Nos.15766 & 15767 of 2018

A.R.Ramasamy

... Petitioner

vs.

1.The District Collector
Sivagangai District

2.The Tahsildar
Karaikudi Taluk Office
Sivagangai District

3.The Sub Collector
Devakottai, Sivagangai District

4.The Village Administrative Officer
Kandanoor Village
Kandanoor Village
Karaikudi Taluk, Sivagangai District

5.K.Lakshmanan
Trustee, Kandanoor NATTAR Trust
(unregistered and customary trust)
Kandanoor Village
Karaikudi Taluk, Sivagangai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the proceedings issued by the 2nd respondent in Na Ka No.A4/10133/2017 dated 25.06.2018 and quash the same.

For Petitioner : Mr.M.Shakul Hameed

For Respondents : Mr.S.Angappan
Government Advocate (Civil Side)
for R1 to R4

**O R D E R**

The petitioner claims himself to be a member of Nattar Trust. In the Nattar Trust, four sects of Nattar Community were represented. Out of the four sects, for every two years, one person from one sect would be elected as Trustee to run the Trust. The said Trust has been created for the welfare of the Nattar community people. The fifth respondent, who also belongs to one of the sects of Nattar community, was elected as Trustee to look after the Trust affairs during 2017 for a period of two years.

2. According to the petitioner, the fifth respondent has been indulging in serious misuse of funds of the Trust and he was misusing his Trusteeship in many ways.

3. In the above circumstances, a writ petition in W.P.(MD) No.8314 of 2018 was filed by the petitioner herein and the said writ petition was disposed of by this Court, vide order dated 17.04.2018, with a direction to the Authority concerned to consider the petitioner's representation in accordance with law.

4. On the basis of the report submitted by the fourth respondent - Village Administrative Officer, the second respondent passed an order, dated 25.06.2018, holding that the parties need to be approach the competent Civil Court in order to sort out their grievances as against each other. The order, dated 25.06.2018, passed by the second respondent, is put to challenge in this writ petition.

5. From the materials and the facts as disclosed in the writ petition, it is clearly established that the petitioner is a Member of a Private Trust and so the fifth respondent. The Trust is an unregistered Trust and therefore, the Authority has rightly held that the parties need to approach the competent Civil Court in order to settle the rival claims as between them. The allegations of the petitioner, as against the fifth respondent, cannot be gone into by this Court in a writ jurisdiction as that would involve adjudication of factual disputes as between the petitioner and the fifth respondent.

6. In view of the same, this Court finds that the second respondent has rightly directed the parties to approach the competent Civil Court in order to seek appropriate remedies. This Court does not find any infirmity in the order passed by the second respondent and hence, the writ petition is not maintainable as it is. Therefore, the writ petition is dismissed.



7. It is always open to the petitioner to approach the appropriate Civil Court for establishing his claim as against the fifth respondent, if he is so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To:

1. The District Collector,
Sivagangai District.
2. The Tahsildar,
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Sivagangai District.
3. The Sub Collector,
Devakottai, Sivagangai District.
4. The Village Administrative Officer,
Kandanoor Village,
Karaikudi Taluk, Sivagangai District.

+1 CC To MR.M.SHAKUL HAMEED, Advocate SR. NO. 82446
+1 CC TO The Special Government Pleader SR.NO. 82825

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and

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KRK

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