



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.2070 of 2020

Yoseph

.. Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Vasudevanallur,
Tenkasi District.

3.Sundararaj

.. Respondents 1 to 3

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner, dated 07.12.2019, within a stipulated time fixed by this Court before registering the trust deed, dated 19.07.2019.

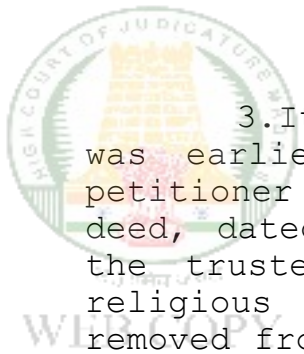
For Petitioner : Mr.C.Jeyaprakash

For Respondents : Mr.M.Murugan for R1 and R2
Government Advocate

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner, dated 07.12.2019, within a stipulated time fixed by this Court before registering the trust deed, dated 19.07.2019.

2.The petitioner states that he is the present President cum Treasurer of Christian Brethren Assembly situated at Thirumalpuram Village, Ramanathapuram Post, Tenkasi District. The society was nothing but a Church following the principles of Pentecostal Congregation. It is further stated that the society is also registered under the headship of Steward Association at Coimbatore, which has now been shifted to Bangalore.



3.It is the case of the petitioner that the third respondent was earlier acted as the office bearer of the society. The petitioner has produced before this Court the sale deed and exchange deed, dated 20.06.2003 to show that the property was purchased by the trustee on behalf of the Christian Brethern Assembly, the religious institution. Stating that the third respondent was removed from the society along with some other persons due to their illegal activities and that the third respondent has formed a rival organisation under the name of Arulatchi Christian Brethern Trust, the petitioner submitted a representation before the second respondent not to register any trust. It is the case of petitioner that the third respondent in order to grab the properties of the petitioner's Church, has formed a new trust as a family trust and that he has also shown the properties of Christian Brethern Assembly as properties belonging to the said trust proposed to be registered. It is further stated that the third respondent has earlier filed a writ petition in W.P.(MD)No.19747 of 2019, suppressing material facts for the relief of a positive direction to the second respondent to register the trust deed. Since this Court also has directed the second respondent to consider the registration of trust, the petitioner states that the registration of another trust showing the properties of petitioner's trust will cause serious hardship to the petitioner. In order to avoid the property of the trust being made litigious, the petitioner states that the prayer in the writ petition should be allowed.

4.Considering the grievance of the petitioner, without expressing any opinion on the merits of the petitioner's contention, this Court is inclined to direct the respondents 1 and 2 to consider the petitioner's representation, dated 07.12.2019 and pass appropriate orders. In case a rival trust deed is presented for registration, showing the disputed properties as the property belonged to the newly formed society by the third respondent or any one, the second respondent shall issue notice to the petitioner and consider his objections and pass orders thereafter.

5.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM



To

1.The District Registrar,
Department of Registration,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Vasudevanallur,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-4768[F] dated 05/02/2020)

+1 CC to M/s.C.JEYAPRAKASH, Advocate (SR-4814[F] dated 05/02/2020)

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JMN(17.02.2020) 3P : 5C