



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.7052 of 2021

and

W.M.P. (MD)No.5421 of 2021

Anbu Ullangal Trust,
represented by its President,
Vijaya,
Tuticorin District.

...Petitioner

Vs.

- 1.The District Collector,
Tuticorin District, Tuticorin.
- 2.The Tahsildar, Pudukottai,
Tuticorin District.
- 3.The Village Administrative Officer,
Kottampuli Village, Kottampuli,
Tuticorin District.
- 4.The President, Kumaragiri Panchayat,
Kumaragiri, Tuticorin Taluk,
Tuticorin District.
- 5.Noble Rani Selina

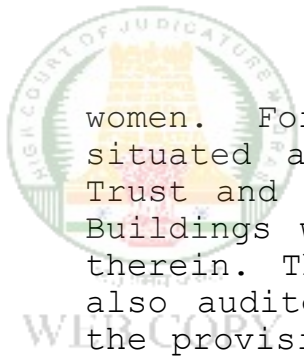
...Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 4 herein to accept the property tax from the petitioner Trust in S.No.475/2B2B, situated at Kirubai Illam, Annai Therasa Nagar, Kottampuli, Kumaragiri Village, Tuticorin District.

For Petitioner	:Mr.R.Vijayakumar
For R1 to R3	:Mr.B.Bhagavathy Government Advocate
For R4	:Mr.G.Arjunan Government Advocate

ORDER

The case of the petitioner is that she is the President of the petitioner Trust, which was a registered one as Doc.No.11 of 1992. According to the petitioner that the Trust was created to look after the welfare and benefit of mentally retarded, orphaned, poor and down-trodden children and for helpless aged people and destitute



women. For the said purpose, a land and property in S.No.475/2B2B, situated at Kottampuli, Kumaragiri Village was dedicated to the Trust and a licence was obtained in the name of "Anbu Ullangal". Buildings were also put up for the convenient stay of the inmates therein. The books of accounts being maintained by the Trust are also audited annually. A certificate has also been obtained under the provisions of Orphanage and other Charitable Homes [Supervision and Control] Act.

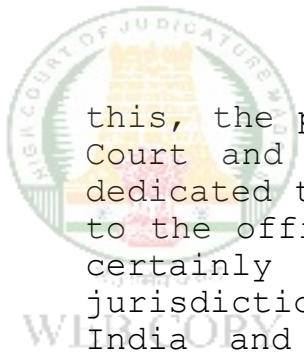
2.The Founder Trustee, one Mr.R.Sathiya Samuel, passed away on 25.08.2009 and thereafter, the petitioner was appointed as President of the Trust through a resolution passed in the General Body Meeting of the Trust. While matter stood thus, according to the petitioner, the fifth respondent, who is the first wife of the deceased Founder Trustee and her two daughters, have attempted to make false claims over the Trust property located in the above mentioned survey number. They also filed a suit in O.S.No.71 of 2020 before the District Munsif Court, Tuticorin for a declaration that they are the legal heirs of the Founder Trustee. A mandatory injunction was also prayed for as against the second respondent herein from issuing the legal heir certificate.

3.According to the averments made in the affidavit that the suit was also decreed in favour of the private respondents. The appeal was also came to be dismissed on 13.09.2019. The second appeal preferred by the petitioner before this Court in S.A.(MD) No.68 of 2020 was also dismissed on 03.02.2020. According to the petitioner that the civil proceedings have nothing to do with the property in question, as the property had been clearly dedicated to the Trust by the Founder Trustee.

4.The grievance of the petitioner herein is that the fifth respondent has lodged a complaint before the revenue officials not to receive property tax from the Trust and in response to the objection, the officials have refused to receive property tax from the Trust. The petitioner has also issued a legal notice to the official respondents enclosing all the documents in support of her claim. In the said circumstances, the petitioner is before this Court seeking direction to accept the property tax from the Trust.

5.From the above factual narrative, it could be seen that there appears to be factual dispute, as to the title of the property dedicated to the Trust. Already a suit was filed by the rival claimants, namely, the fifth respondent and her daughters and they appear to have succeeded upto this Court in the second appeal referred to above. In a dispute of this nature, this Court cannot give any direction on the basis of self serving averments of the petitioner alone or on the basis of the competing claims of the private respondents.

<https://hcservices.courts.gov.in/hcservices> is of the considered view that in a matter like



this, the proper course for the petitioner is to approach the Civil Court and establish the Trust's right in regard to the property dedicated to it and in that process, she can always seek a direction to the official respondents to receive the property tax. But, it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and seek a seemingly innocuous direction, which would ultimately decide the claim of the petitioner's Trust as against the claim of the fifth respondent. Such adjudication is not plausible in a Writ jurisdiction.

7.For the aforesaid reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

- 1.The District Collector,
Tuticorin District, Tuticorin.
 - 2.The Tahsildar, Pudukottai,
Tuticorin District.
 - 3.The Village Administrative Officer,
Kottampuli Village, Kottampuli,
Tuticorin District.
- +1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-14202[F] dated 29/03/2021)
- +1 CC to M/s.SPL GP (SR-14361[F] dated 30/03/2021)

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RP (25.05.2021) P 6C