



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1205 of 2020

G.Ramasamy

... Appellant/Writ Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

5.A.Panneerselvam

... Respondents/Respondents

Prayer :

Appeal filed under Clause 15 of the Letters Patent Act to set aside the order passed by this Court in W.P.(MD)No.14189 of 2016, dated 04.02.2020.

Prayer in WP(MD)No.14189 of 2016:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to delete the name of Vairavan Servai, son of Namachivayam and include the name of Ramasamy, Ganapathy Servai in the Patta and Chitta for the property situated in Survey No.39/10B at Thiruppuvanam Pudur Village, Old Manamadurai Taluk at present Thiruppuvanam Taluk, Sivagangai District.

For Appellant

: Mr.M.Kannan

For R1 to R4

: Mrs.J.Padmavathi Devi

Special Government Pleader

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J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant aggrieved against the last line of Paragraph 5 of the order of the learned Single Judge, which mandates that a Patta shall be issued only in favour of the Trust alone and not in favour of individuals, namely, either the petitioner or any one in the family.

2.The learned Single Judge made it clear that it would include the appellant / writ petitioner or any one of his family members.

3.The learned counsel appearing for the appellant submitted that all the members of different branches are to be included along with the Trust name in the Patta.

4.We are afraid that such submission is contrary to the concept of Trust itself. A person by virtue of the covenants in the Trust Deed would become entitled to be appointed as a Trustee and not otherwise. The Trustee will manage and administer the property on behalf of the Trust. The Trust may have its own obligations and the property is expected to be used for that purpose. Therefore, there is no question of adding any other individual name over the property owned by the Trust. In such view of the matter, we do not find any error in the last line of Paragraph 5 of the order of the learned Single Judge.

5.The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the order of the learned Single Judge could not be given effect to in view of pendency of the present writ appeal. As we dispose of this Writ Appeal, by confirming the order of the learned Single Judge, we expect the respondents concerned to give effect to the order passed by the learned Single Judge, within a period of 12 weeks from the date of receipt of a copy of this judgment.

6.Accordingly, this Writ Appeal is disposed of. No costs. However, we make it clear that this judgment will not stand in the way of the appellant seeking appropriate remedy towards the Management and Administration of the Trust.

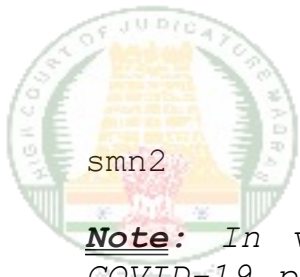
Sd/-

Assistant Registrar

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/ /2021

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
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Sivagangai.
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Sivagangai District.
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Sivagangai,
Sivagangai District.
- 4.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.SGP (SR-126[F] dated 05/01/2021)

+1 CC to M/s.M.KARNAN, Advocate (SR-186[F] dated 06/01/2021)

W.A. (MD)No.1205 of 2020
04.01.2021

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