



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.18319 of 2020

and

W.M.P. (MD) Nos.15304 & 15309 of 2020

WEB COPY

Ariyakudi Chidambaram Chettiyar Annadhana Chatram,
Srirangam,
represented by its Trustee,
N.Venkataachalam Chettiyar,
S/o.CT.S.R.V.Narayanan Chettiyar,
VE.RM.House, Alagappa Oorani West,
Ariyakudi,
Sivagangai District.

.. Petitioner

Vs

- 1.The District Registrar,
Trichy District.
- 2.The Sub Registrar,
Uraiyur,
Trichy District.
- 3.The Sub Registrar,
Srirangam,
Trichy District.
- 4.The Sub Registrar,
Thiruvarambur,
Trichy District.
- 5.The Sub Registrar,
Joint-3, town Hall Chowk,
Trichy.
- 6.The Tahsildar,
Srirangam Taluk,
Trichy District.
- 7.VE.Narayanan Chettiyar,
- 8.K.Kumarappan
- 9.Praveenraj

10.Senthilkumar

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11.Priyadharshini

12.Vadivel

13.Sridevi

14.Vandu Industries,

represented by its Managing Partner,
Ramachandran, S/o.Periyasamy,
25, Pandamangalam Agraharam,
Woraiyur, Trichy.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from Registering or transferring the title or put any entry of the properties belonging to the petitioner trust situated in S.No.929/1, Melur Village, Srirangam Taluk, Tricity without getting prior permission from the writ petitioner and granting such other and further relief as this Court.

For Petitioner : No appearance

For R1 to R6 : Mr.K.Sathiya Singh
Additional Government Pleader

For R7 & R8 : Mr.B.Prasannavinooth

ORDER

The case of the petitioner is that he is one of the board of trustees of the petitioner trust. The petitioner trust was formed by the petitioner's ancestors, who are the sons of one Chidambaram Chettiyar. The trust was managed by the sons of said Chidambaram Chettiyar during his life time and thereafter, by his legal heirs. The petitioner claims himself as one of the legal heirs of the said Chidambaram Chettiyar. In 1949, there was a dispute among the ancestors in regard to the administration of the trust and therefore, a suit was filed in O.S.No.47 of 1949 before the Sub Court, Trichy and during the pendency of the suit, there was a settlement and on the basis of the settlement, the suit was disposed of. Subsequently, there were some civil proceedings what have been initiated in A.S.Nos.357 of 1952 and 158 of 1958 by the ancestors of the petitioner. The appeals were heard and commonly disposed of on 06.02.1961. According to the petitioner, a scheme was framed and decree was passed in the above civil proceedings and the management of the trust came to be regulated in terms of the scheme framed in the civil proceedings. The object of the trust is providing Anndhanam to the devotees of Aranganathar and the trust is conducting several rituals like Mandahapadis etc. The trust has several agricultural lands and the main revenue of the trust is generated out of the lands.

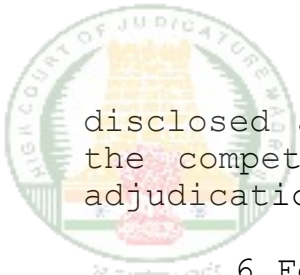


2. In 1999, in order to meet certain expenditure, the board of Trustees decided to sell some properties of the trust to the persons, who have been occupying and cultivating the lands. According to the petitioner, the respondents 7 and 8 and five of their cousins have executed a bogus document in impersonating themselves as board of trustees and alienated the valuable properties of the trust for worthless consideration and thereafter, certain lands were converted as layout plots, causing heavy loss to the trust. According to the petitioner, the respondents 7 and 8 were the key conspirators, who are engaged for illegal activities and acting against the interest of the trust. They had also forged certain documents and executed the same in favour of certain land grabbers during the lock-down period.

3. According to the averments contained in the affidavit, the trust has also initiated legal proceedings and the apprehension of the petitioner was that the respondents 7 and 8 are attempting to alienate and encumber the properties of the trust and in that regard, objections were made to the respondents 1 to 5, requesting them not to register any further documents at the instance of the respondents 7 and 8, encumbering the properties of the trust. Following the representation to the official respondents, the petitioner has filed the present writ petition seeking directions to forebear the respondents from registering or transferring the title or put any entry of the properties belonging to the petitioner trust.

4. The above averments would show that there are multiple transactions appear to have taken place at the instance of some private respondents and certain other persons inimical to the interest of the petitioner trust. The averments contained in the affidavit are completely bereft of any details as to what are the properties of the petitioner trust and who are the persons, who have fraudulently alienated and transferred the properties etc. Nothing has been stated in specific terms as to the nature of complaints and what happened to the complaints of so called allegations of impersonation forgery etc.

5. The petitioner has simply prayed for a direction restraining the official respondents from registering the documents in a particular survey number and on the basis of the sketchy and bald self-serving averments of the petitioner. This Court is not inclined to grant any direction to the public authority, at the instance of the petitioner, on the basis of the bald averments in the affidavit. No direction could be issued to the Registering Authority by this Court particularly in exercising of its extraordinary jurisdiction under Article 226 of the Constitution of India, in a matter like this. When any threat from third parties to the properties of the trust, a specific cause of action needs to be



disclosed and in such cases, it is for the petitioner to approach the competent civil Court and not before this Court calling for adjudication of factual dispute in a writ jurisdiction.

6. For the above said reasons, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Registrar,
Trichy District.
2. The Sub Registrar,
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Trichy District.
3. The Sub Registrar,
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5. The Sub Registrar,
Joint-3, town Hall Chowk,
Trichy.
6. The Tahsildar,
Srirangam Taluk,
Trichy District.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-6615[F] dated 23/02/2021)

+1 CC to M/s.SPL GP (SR-6713[F] dated 23/02/2021)

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RK (27.04.2021) 4P 9C

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