



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19926 of 2020 and

W.M.P.(MD)No.16598 of 2020

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A.P.Murugan

... Petitioner

Vs.

1. The Chief Secretary,
Commercial Tax and Registration Department,
Government of Tamil Nadu,
Chennai.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600 028.
3. The District Registrar,
O/o. District Registrar,
Palayamkottai,
Tirunelveli District.
4. The Sub Registrar,
Sub Registrar Office,
Ambai Road, Melapalayam,
Palayamkottai, Tirunelveli - 627 005.
5. Trust for Improvement of Modern Education,
Rep. by the Temporary Chairman,
S.M.Sahul Hameed,
S/o.Syed Mohammed,
Door No.19/88A, Thuckalay,
Kalkulam Taluk,
Kanyakumari District.
6. Rasool Mohaideen
7. Yazar Arafath
8. M.Akbar Badhusa

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 4 to consider the petitioner's representation dated 01.12.2020 on merits in accordance with law and consequently, forbearing respondent No.5 from alienating any immovable property



belonging to the Public Charitable Trust, namely, "Trust For Improvement of Modern Education" situated at No.2-M, Madurai Road, Tirunelveli - 627 001 without any prior permission from the competent civil Court as per due process of law within the time stipulated by this Court.

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For Petitioner : Mr.G.Anto Prince
For R-1 to R-4 : Mr.K.Sathiya Singh,
Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner is a practicing lawyer and a permanent resident of Tirunelveli. He claims that he is the sponsor of some of the charitable activities of the fifth respondent trust. The fifth respondent is said to be a registered Public Charitable Trust.

3. The allegation of the petitioner is that the fifth respondent had illegally sold away the trust properties to respondents 6 to 8. Therefore, this writ petition has been instituted. The petitioner wants this Court to forbear the fifth respondent trust from alienating the properties without prior permission from the competent civil Court.

4. This writ petition is clearly not maintainable. If the petitioner is aggrieved by the illegal acts of the trustee, the remedy open to the petitioner is to file a suit under Section 92 of C.P.C. The fifth respondent trust is not an instrumentality within the purview of Article 12 of the Constitution of India. The acts complained of are clearly not amenable to correction in writ jurisdiction. Therefore, leaving open the petitioner's rights and granting him liberty to work out the same in accordance with law, this writ petition stands dismissed. I make it clear that I have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

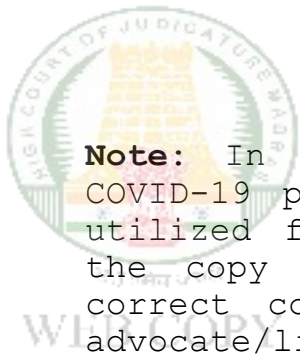
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Chief Secretary,
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Government of Tamil Nadu, Chennai.
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O/o. District Registrar,
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4. The Sub Registrar,
Sub Registrar Office,
Ambai Road, Melapalayam,
Palayamkottai, Tirunelveli - 627 005.

+1 CC to SGP (SR-55[F] dated 05/01/2021)

+1 CC to M/s.G.ANOTO PRINCE, Advocate (SR-155[F] dated 05/01/2021)

W.P. (MD) No.19926 of 2020

04.01.2021

SSS (CO)

NR (11/01/2020) 3P : 7C