



W.A.No.162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.162 of 2023
and
C.M.P.No.1545 of 2023

A.Jeevandrados

.. Appellant

-VS-

1. Sri Parswantha Digambar Jain Bhawan Management Trust
Represented by its President,
Mr.S.Srenikaraj,
S/o. Sundarakumar,
No.22, Subramaniam Koil Street,
Tindivanam-604 001.
2. The District Registrar (Admin)
Office of District Registrar,
Tindivanam.
3. The Joint Sub Registrar No.1,
Officer of Joint Sub Registrar No.1
Tindivanam.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order
dated 28.03.2022 made in W.P.No.6655 of 2022.



W.A.No. 100 of 2022

For Appellant : Mr.P.Paramasiva Doss
For Respondents : Mr.P.Dinesh Kumar (R1)
Mrs.Sangamithirai (R2 & R3)
Special Government Pleader

J U D G M E N T

This Writ Appeal has been preferred by the Appellant challenging the order dated 28.03.2022 made in W.P.No.6655 of 2022.

2. The Appellant is the 3rd Respondent in the Writ Petition. When the Writ Petitioner/1st Respondent presented the Supplement Deed and Lease Deed, before the 1st Respondent, for registration, the 2nd Respondent vide his proceedings in Na.Ka.No.2811/2020 dated 29.11.2021 directed the Writ Petitioner/1st Respondent to approach the Civil Court and obtain appropriate orders and that only thereafter, the Deeds will be entertained for registration. Questioning the said order, the Writ Petitioner/1st Respondent filed a Writ Petition in W.P.No.6655 of 2022. The learned Single Judge vide order dated 28.03.2022, directed the Writ Petitioner to present the Supplementary Deed and Lease Deed before the 2nd Respondent, within a period of two weeks and on receipt of the same, the official Respondents were directed to process the deeds in terms of the Registration Act and Stamp Act and Rules, after providing an opportunity of hearing to the Appellant and to the aggrieved parties, if any, within a



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period of eight weeks from the date of receipt of a copy of the said order. Being aggrieved, the present Writ Appeal has been filed by the Appellant.

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3. The learned counsel for the Appellant submitted that the learned Single Judge has disposed of the Writ Petition without giving notice to the Appellant herein, who is the 3rd Respondent in the Writ Petition. He further submitted that out of 11 trustees, one trustee died due to Covid-19. It is his further contention that as per the Trust Deed, the lease period could only be for 15 years and now, they are trying to extend the same beyond the said period. He drew the attention of this Court to the communication of the Trust dated 17.02.2021, in which, it is stated that the Appellant/3rd Respondent was illegally removed from the Trust. He further submitted that no procedure has been contemplated under Clause 19 of the Trust Deed dated 18.06.2012 for removal of Trustees, except on certain conditions. For the sake of convenience, Clause 19 of the Trust Deed is extracted below.

"19. Whenever any Trustee become insolvent or insane or act against the principles stated in clause 10 (c) or is convicted of criminal offence involving moral turpitude or desires to be discharged from or refuses or become unfit or incapable of acting, then and in every case, the surviving or the continuing Trustees for the time being shall be entitled to appoint a Trustee in the place of Such Trustee subject to clause 10 (c) above, who shall hold office of trustee till the normal period of the original trustee."

4. The learned counsel appearing for the 1st Respondent submitted that the



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Appellant has already been removed from the Trust and therefore his position has not been questioned.

5. In reply, Mr.P.Paramasiva Doss, learned counsel appearing for the Appellant submitted that except by way of certain conditions which are prescribed under Clause 19 of the Trust Deed, no Trustee could be removed.

6. Mrs.Sangamithirai, learned Special Government Pleader appearing for the Respondents 2 and 3 submitted that, no documents have been produced before the 2nd Respondent for registration and unless the same are produced along with the order of the Court, it would be very difficult for them to register the Supplement deed and the Lease deed. She further submitted that if any direction is given, the Government is willing to act as per Rules.

7. Heard both sides. Perused the records.

8. We are not inclined to go into the question as to whether the removal of the trustee/Appellant herein is in contravention of Clause 19 of the Trust Deed or not. The learned Single Judge directed the Writ Petitioner to present the Supplementary Deed



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and the Lease Deed before the 3rd Respondent herein and on receipt of the same, the official Respondents were directed to process the deeds in terms of the Registration Act and Stamp Act and Rules, after providing an opportunity of hearing to the Petitioner and to the aggrieved parties. Since, the Appellant herein is an aggrieved person, he can very well put forth his objections before the authority concerned, who, in turn, will consider the same and thereafter render a decision.

9. Finding no merits in this Writ Appeal, the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [R.K.M., J]
08.03.2023

Index: Yes / No
Internet: Yes / No
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S. VAIDYANATHAN,J.,
and
R.KALAIMATHI,J

arr

To

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Represented by its President,
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