



W.P.(MD) No.20317 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20317 of 2021

Kasimari Shanmuga Sundaram Trust,
Represented by its Managing Trustee,
K.S.Anantharaman
No.50, Pulla Avenue,
Shenoy Nagar, Chennai.

... Petitioner

Vs.

- 1.The District Registrar,
Tuticorin District.
- 2.The Sub Registrar,
Kommadikottai Sub Registrar Office,
Tuticorin District.
- 3.M.Thirunamam
- 4.M.Deepasundaram
- 5.M.Nandini Devi
- 6.K.Chandrasekar
- 7.E.Esakkiselvam
- 8.S.Daniel
- 9.R.Rathinakumar

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to conduct enquiry with regard to fraudulent registration of Doc Nos. 723/2021, 729/2021 and 733/2021 dated 21.04.2021 on the file of the second respondent office on the basis of circulars dated 25.04.2012, 31.07.2018 and 09.04.2018 by considering the petitioner's representation dated 01.07.2021 and 21.09.2021 and pass orders on merits in accordance with law within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For R1 & R2 : Mr.M.Prakash
Additional Government Pleader

For R6 to R8 : Mr.M.P.Senthil

For R3, R4
and R5 : No appearance

For R9 : Mr.V.Arul

ORDER

The above writ petition is filed for a direction to the first respondent to conduct enquiry with regard to fraudulent registration of Doc Nos.723/2021, 729/2021 and 733/2021 dated 21.04.2021 on the file



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of the second respondent office on the basis of circulars dated 25.04.2012, 31.07.2018 and 09.04.2018 by considering the petitioner's representation dated 01.07.2021 and 21.09.2021 and pass orders on merits in accordance with law within the time fixed by this Court.

2. The petitioner is a trust, which was created by deponent's father, Late K.Shanmuga Sundaram under Registered deed dated 14.12.1979. The object of the trust was to promote education and its related activities. It is the case of the deponent that his father had purchased several properties in the name of the trust in Arumuganeri and Kayalpattinam South Part Village of Thoothkudi District. After his death, a dispute arose amongst the legal heirs, as a result of which, the inflow of rental income was seriously affected and therefore, the management was forced to maintain the properties. The deponent would submit that after death of one of his brothers, namely, K.S.Mothilal, on 10.10.2008, his legal heirs, who have been arrayed as Respondents 3 to 5 started to grab the trust properties by creating patta in their names as if the properties belonged to Late K.Shanmugasundaram Nadar and not the trust. They



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have consequently alienated the properties fraudulently, in which they have been ably assisted by the second respondent, who has registered the documents without even looking into the parent documents. Therefore, representations were given by the Trust calling upon the District Registrar, Tuticorin District, to conduct an enquiry, which was not acted upon. Therefore, the petitioner has come forward with the above writ petition.

3. Heard the learned counsel appearing on either side.

4. The petitioner trust has come forward with the case that their properties have been alienated by the respondents 3 to 5 fraudulently. Despite giving representations to the authority concerned, no action has been taken by them. Therefore, considering the seriousness of the allegations, which are set out in the affidavit, this Writ Petition is disposed of with a direction to the first respondent to consider the representations of the petitioner dated 01.07.2021 and 21.09.2021 and pass appropriate orders, after affording an opportunity of personal



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hearing to all the interested parties, on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. No costs.

21.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

- 1.The District Registrar,
Tuticorin District.
- 2.The Sub Registrar,
Kommadikottai Sub Registrar Office,
Tuticorin District.



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P.T.ASHA, J.

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