



W.P(MD)No.9643 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9643 of 2015

and

W.M.P(MD)No.1 of 2015

R.Lakshmi

... Petitioner

Vs

1.The Joint Sub Registrar No.IV,
Palanganatham,
Madurai – 625 003.

2.Chockalinga Pandithar Dharma Trust,
Represented by its Trustee Thiru.K.Mani,
S/o.Krishnasamy,
Door No.27, Drowpathi Amman Koil Street,
K.Pudur,
Madurai – 625 007.

3.K.Mani

4.Mohan
*(R.4 is substituted vide order of this
Court dated 10.01.2020 made in
W.M.P(MD)No.10479 of 2017)*

5.K.Lakshmanan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first respondent from registering any document in respect of the Trust property viz., Chokalinga Pandithar Dharma Trust situated in TS.No.428, Door No.6, Pandiya Velalar Street, Madurai-1, presenting for registration by the respondents 3 and 4 in favour of fifth respondent or any third party without obtaining mandatory permission under section 34 of the Indian Trust Act before the learned Principal District Judge, Madurai.

For Petitioner : Mr.N.Murugesan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R.1

Mr.S.Manohar for R.3

Mrs.Benazir Begum for R.4

No Appearance for R.2 & R.5

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to restrain the registering authority from registering any document in respect of the property belonging to the petition mentioned trust. It is seen that the trustees applied to the I Additional



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Sub Court, Madurai under Section 34 of the Indian Trust Act and got permission to sell the property. The case of the petitioner is that such a petition was not maintainable.

3. According to the petitioner, pursuant to the said direction or permission given by the said Court, the registering authority cannot be allowed to register any document.

4. I am not persuaded by the submissions of the learned counsel appearing for the petitioner. As rightly pointed out by the learned counsel appearing for the private respondents, the I Additional Sub Court, Madurai had granted permission in favour of the applicants in I.A.No.661 of 2014 in O.S.No. 562 of 1986. If according to the petitioner, the said order dated 09.03.2015 was bad in law, the remedy open to the petitioner was to file a revision before the High Court. Without adopting such a course of action, the petitioner could not have filed the writ petition. The petitioner may not have the *locus standi* to maintain the writ petition. She is not one of the trustees. She is also not coming under the category of beneficiaries. The petitioner is said to be the legal heir of the tenant occupying all the trust properties. The petitioner has not shown as to how her rights would be infringed. In any event, the statutory authority cannot be restrained from discharging from statutory functions. The



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writ Court cannot restrain the registering authority from entertaining any document that is presented for registration.

5. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.07.2023

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

To

- 1.The Principal District Judge,
Madurai.
- 2.The Joint Sub Registrar No.IV,
Palanganatham,
Madurai – 625 003.



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G.R.SWAMINATHAN, J.

MGA

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and

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