



W.P(MD)No.29039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29039 of 2022

Sivakumar

... Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Keeranoor, Palani,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip issued by the respondent bearing Refusal number RFL/Keeranoor/24/2022 dated 21.12.2022 and quash the same and consequently direct the respondent to register the sale deed dated 06.12.2022 executed in favour of the petitioner by the Soundari Memorial Foundation Charitable Trust.

For Petitioner : Mr.S.Anwar Sameem

For Respondent : Mr.N.Satheeskumar
Additional Government Pleader



W.P(MD)No.29039 of 2022

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ORDER

Heard the learned counsel on either side.

2.The petitioner had purchased the petition mentioned property from Soundari Memorial Foundation Charitable Trust. When the sale deed was presented for registration, the respondent declined to enter the same and issued impugned refusal check slip on the ground that the property belongs to a Trust. Challenging the same, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned refusal check slip and grant relief as prayed for.

4.The case was adjourned to enable the learned Additional Government Pleader to verify if there is any statutory prohibition against alienation of the trust property. The learned Additional Government Pleader brought to my notice the order dated 23.10.2013 made in O.P.No.209 of 2013 on the file of Original Side of the Madras High Court to illustrate his contention that whenever trust properties are sought to be sold, invariably it is done through Court process. This is only to avoid allegations of improper sale.



W.P(MD)No.29039 of 2022

5.I went through the contents of the trust deed. There is a definite clause for enabling the trustees to sell the trust properties. There is no prohibition as such against sale of the petition mentioned properties. It is true that it would be in the fitness of things if Court permission is obtained so that the property will fetch the maximum value. But that is left to the wisdom of the trustees. If any allegation is made in future, it is for them to face the music.

6.In as much as no prohibition has been brought to my notice by the respondent, I hold that the impugned refusal check slip is without any basis. It is accordingly set aside. The parties are permitted to re-present the document. The respondent shall receive the same, register it and release it subject to the fulfilment of the other usual formalities. Of course, the observations made in this order will not have any bearing on valuation.

7.This writ petition is allowed on these terms. There shall be no order as to costs.

15.02.2023

MGA

Note: Issue Order Copy on 22.02.2023.



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W.P(MD)No.29039 of 2022

G.R.SWAMINATHAN, J.

MGA

To

The Sub Registrar,
Sub Registrar Office,
Keeranoor, Palani,
Dindigul District.

W.P(MD)No.29039 of 2022

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