



WEB COPY



W.P. No.4360 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.4360 of 2024 and
W.M.P. No.4692 of 2024

Salem Kadayampatti Vattara Kalanjiam
Represented by its President Angammal
W/o.Senthilkumar
R/S00/82, Santhaipettai
Kadayampatti
Omalur, Salem - 636 351

... Petitioner

Vs

1.The Sub Registrar
Office of Sub Registrar
Omalur, Salem District

2.Kanaga

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 1st respondent herein from registering the document presented by the 2nd respondent or her men or agent in the form of Amendment of Trust Deed/Supplementary Deed pertaining to Salem Kadayampatti Vattara Kalanjiam, Kadayampatti, Salem District by considering the representation of the petitioner dated 31.01.2024.



WEB COPY



W.P. No.4360 of 2024

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.P.Anandhakumar
Government Advocate for R1
Mr.Secular S.Arunkumar

ORDER

This writ petition has been filed for a direction to forbear the 1st respondent herein from registering the document presented by the 2nd respondent or her men or agent in the form of Amendment of Trust Deed/Supplementary Deed pertaining to Salem Kadayampatti Vattara Kalanjiam, Kadayampatti, Salem District by considering the representation of the petitioner dated 31.01.2024.

2. The learned Government Advocate appearing for the first respondent would submit that the first respondent, namely the Sub Registrar, Omalur, Salem District has filed a counter affidavit in this aspect and in paragraph 5 of the counter affidavit, it has been stated as follows:



W.P. No.4360 of 2024

"5. It is further submitted that, a deed of Supplement to the aforesaid Trust Deed dated 13.02.2024 was presented to registration by the 2nd respondent at the 1st respondent office on 13.02.2024. The respondent, issued RFL in No.Omalur/13/2024 on the same date on the ground that, there is no provision to remove the Managing Trustee in the Principal Trust Deed and the original Trust Deed was not submitted for verification as per the provisions of Rule 55(A) of the Registration Rules and informed to seek remedy in the competent court for the removal of Managing Trustee and the members."

3. It is to be noted that the amendment of Trust Deed was based on the resolution of the Trust Board. Therefore, merely presenting such document, its registration cannot be stalled.

4. As rightly pointed out in the counter affidavit, it is for the petitioner to challenge the said amendment before the competent forum/civil court having jurisdiction and not before the Sub Registrar.



W.P. No.4360 of 2024

WEB COPY

5. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

18.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Sub Registrar
Office of Sub Registrar
Omalur, Salem District

2.The Government Pleader
High Court, Madras



WEB COPY



W.P. No.4360 of 2024

N.SATHISH KUMAR, J.

Asr

W.P.No.4360 of 2024 and
W.M.P. No.4692 of 2024

18.06.2024