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W.P.No.11341 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.11341 of 2023

1.S.Antoniammal

2. S.Xavier

3. Maria Shantha Clement

... Petitioner

Vs

The District Registrar [Admin.],
Office of District Registrar,
Tiruvarur, Tiruvarur District.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records relating to the order of the Respondent dated 06.03.2023 in Na. Ka.No. 623/A3/2022 and quash the same and consequently direct the Respondent to conduct a detailed enquiry on the complaint of the Petitioners dated 20.01.2023 in accordance with law.

For Petitioner : Ms.C.R.Ponnuthai



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For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader – R1 to R4
Mr.C.Shankar – R5

ORDER

This Writ Petition has been filed to quash the impugned Order dated 06.03.2023 in Na. Ka.No. 623/A3/2022 of the respondent and consequently direct the Respondent to conduct a detailed enquiry on the complaint of the petitioners dated 20.01.2023 in accordance with law.

2. The case of the petitioner is that the husband of the petitioner founded a Public Trust, namely 'St.Antony's Educational Trust' and as per the Trust Deed any change of the Trustee or Managing Trustee is to be done with the consent of atleast two-thirds of the trustees. While so, on 14.09.2009, the son of he Founder Trustee has amended the Trust deed without the consent of the other trusess and appointed his son and daughter as Trustees on 20.01.2023. Hence, the petitioners have



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submitted a detailed complaint to the respondent to enquire into the fraudulent document as per the provisions of Section 77A of the Registration Act. Whereas, the respondent has rejected the complaint. Challenging the same, the present Writ Petition has been filed.

3. At the outset, this Court is of the view that the Order of the revenue authorities rejecting such application does not require any interference for the simple reason that if any document for amendment is filed for registration contrary to the object of the Trust, proper remedy lies to challenge the Trust Deed in the manner known law, before the Civil Court and not before the registration authorities. Hence, the Writ Petition deserves to be dismissed.

4. Accordingly, this Writ Petition is dismissed of. No costs. Consequently, connected miscellaneous petition is closed.

16.04.2024



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Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

The District Registrar [Admin.],
Office of District Registrar,
Tiruvarur, Tiruvarur District.



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N.SATHISH KUMAR, J.

VTC

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