



Order dated 26.03.2024  
in W.P.No.21682 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.21682 of 2018

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S.Jayalakshmi

.. Petitioner

Vs.

The Sub-Registrar,  
Sriperumbudur Taluk,  
Sriperumbudur District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to release the cancellation of settlement deed, dated 10.02.2017 bearing Document No.P-14/2017-Book I, on the file of the SRO at Sriperumbudur based on the petitioner's representation dated 04.04.2018.

For petitioner : Mr.P.Balamurugan

For respondent: Mr.R.Neethiperumal, Govt. Advocate

### ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondent to release the cancellation of settlement deed, dated 10.02.2017, bearing Document No.P-14/2017-Book I, on



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the file of the SRO at Sriperumbudur, based on the petitioner's representation dated 04.04.2018.

2. The respondent has filed counter affidavit stating that since the property is the Trust property and it is barred under Section 34 of the Indian Trust Act for release the document. Admittedly, the property belongs to the individual and the individual executed a settlement deed in favour of M/s.Sreedharamvari Trust and later, the petitioner had executed cancellation of settlement deed and based on the Resolution passed, they presented the document for registration, which was rejected by the respondent by refusing to register the same and the same was kept pending registration, and challenging the same, the petitioner is before this Court.

3. When once the property has become the Trust property, the Trustee has no authority to alienate or encumber or cancel and only they have to approach the Civil Court and Section 34 of the Indian Trust Act is clear that it is barred.

4. Hence, the Writ Petition is dismissed. However, the petitioner is at liberty to work out her remedy in the manner known to law. There shall be no order as to costs.

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To

The Sub-Registrar,  
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