



W.P.No. 22653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 22653 of 2024

Sethuraman S

... Petitioner

Vs

1. The Joint Commissioner,
HR and CE Department,
District Collectorate Campus,
Kancheepuram – 631 501.
2. The Sub Registrar,
Sammandam Nagar Main Road,
Kundrathur, Chennai,
Tamil Nadu – 600 069.
3. The District Registrar,
No. 9, Jeenis Road, Saidapet,
Chennai – 600 015,
(Near Panagal Building & Corporation Hospital).
4. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai, Tmil Nadu – 600 028.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second to fourth respondents to register the Application No. TP/176899330/2024 on the file of the second respondent for the interest of justice and equity to the petitioner and the property.

For Petitioner : Mr. P.Jesusmoris Ravi

For Respondents : Mr. N.R.R. Arun Natarajan,
Special Government Pleader (for R1)

Mr. M.Shajahan,
Special Government Pleader
(for R2, R3 & R4)

ORDER

This Writ Petition has been filed for directing the second to fourth respondents to register the application submitted by the petitioner for mortgaging the property.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner had purchased a larger extent of 85 cents of



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property from Manivannan and Rajukumar by a registered sale deed dated 08.03.2012, vide Document No. 2929 of 2012. The said property was purchased by the petitioner through vendor power agent, one Pon Madasamy, who executed the sale deed as power of attorney for TS Krishnan, by a sale deed dated 15.03.2007, registered vide Document No. 3643 of 2007. The said TS Krishnan had acquired title over the property by way of a registered Will executed by one TS Rangachari and through the Will dated 14.05.1998, vide Document No. 17 of 1998. The said TS Krishnan had acquired title over the property by way of a registered Will dated 17.11.1971, registered vide Document No. 128 of 1971.

4. While that being so, the petitioner submitted an application before the second respondent for registration of a mortgage deed, mortgaging the subject property to avail a loan. However, the second respondent refused to create a mortgage deed, mentioning reasons that the first respondent refused to register the document under Sections 22(1) and 22A(1) of the Tamil Nadu Registration Act. As per the order passed by the first respondent in Na. Ka. No. 1477 of 2023, dated 11.04.2023, the second respondent refused to register any document respecting the subject property.



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5. The learned counsel for the respondents submitted that the subject property was bequeathed in favor of the said TS Krishnan to generate income for Arulmigu Pachiavarna Perumal Thirukoil, Kancheepuram Arulmigu Ashtabuja Perumal Thirukoil, Sriperumbudur Arulmigu Aathikesava Perumal Thirukoil, Arulmigu Koorathazhwar Manavala Maamunigal Thirukoil, and Tiruvallikeni Arulmigu Parthasarathi Perumal Thirukoil. Consequently, the subject property was sold to the petitioner without the knowledge and consent of the first respondent. In this regard, this Court passed an order in C.R.P (NPD) No. 52 of 2004 as follows:-

“(Indian) Trusts Act (2 of 1882). Section 1, Constitution of India. Article 227. Tamil Nadu Hindu Religious and Charitable Endowments Act. Section 34. Lower Court dismissed the (Trust) O.P. praying for sale of lands settled under the Trust Deed which was executed for performing “utsavams” directed therein. Order upheld in revision under Article 227. Plea that the property is not yielding any income and the adjacent properties have become



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house sites and that if some arrangement is not there to dispose it of, it would be trespassed by the land grabbers and if the same is grant the prayer. Petitioners being the sons of the founder trustee want to sell away the properties mentioned in the schedule, on false grounds that there is no income from out of the property, without even disclosing the lease of the said properties in favour of the lessees and the income derived.

It is the Commissioner, HR & CE Department who is empowered to do anything with regard to the property and not the present petitioners who have only revealed that they are unable to act as the trustees carrying out the intentions of the creator of the Trust and the object. CRP under Article 227 dismissed.”

6. In view of the above, the directions sought in this Writ Petition cannot be considered, and the Writ Petition is devoid of merits. Accordingly, this Writ Petition is dismissed. No costs.



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Neutral Citation/Yes/No
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