



W.P.No.30924 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.30924 of 2019

Dr.N.Elavarasan M.S

... Petitioner

Vs.

- 1.The Inspector General of Police,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
No.167, Bhasyam Nagar,
Manjakuppam, Cuddalore.
- 3.The District Registrar,
Virddhachalam, Cuddalore District.
- 4.The Sub Registrar,
Virddhachalam,
Cuddalore District.
- 5.The District Collector,
Cuddalore.
- 6.The Superintendent of Police,
Cuddalore.
- 7.D.Thangaraju
- 8.K.Vaithiyanathan



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9.S.Diviya

10.R.Kavitha

11.V.Prathib

12.M.Vinothkumar

13.S.Kalaiyaran

14.K.Rahulraj

15.J.Mohankumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to conduct an enquiry based on the representation dated 30.09.2019 and cancel the addendum trust deed no.23 executed on 29.07.2019 and Doc.No.35 dated 03.10.2019 based on the forgery resolutions dated 05.02.2018 and 25.07.2019 registered by the Sub Registrar, Virddhachalam, Cuddalore District.

For Petitioner : Mr.T.Arunkumar

For Respondents :
For R1 to R4 & R6 : Mr.Yogesh Kannadasan
Special Government Pleader

For R5 : M/s.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to conduct an enquiry based on the representation



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dated 30.09.2019 and cancel the addendum trust deed no.23 executed on 29.07.2019 and Doc.No.35 dated 03.10.2019 based on the forgery resolution dated 05.02.2018 and 25.07.2019 registered by the Sub Registrar, Virddhachalam, Cuddalore District.

2. The facts of the case is that the petitioner is a Founder and Creator of Senthil Educational Trust. The petitioner has executed a Trust Deed and registered as Doc.No.141 of 2002 at Sub Registrar Office, Virddhachalam. The first Board of Trustees consists of Mr.E.Senthil Anand, Smt.E.Chandiravadivu and the petitioner. Mr.E.Senthil Anand was appointed as Managing Trustee, who is a permanent Trustee. The Managing Trustee has to look after the administration of the Trust. The addendum deed of trust was executed by the petitioner on 02.04.2007 by which, Mr.D.Thangaraju, Mr.K.Vaithiyanathan, Mr.P.Ganesan and Smt.Rajeswari have been added as new Trustees. The petitioner was appointed as Chairman and Managing Trustee of the Trust and his decisions shall be binding and final on the Trust and Trustees.

3. The further case of the petitioner is that on 25.10.2023, again the addendum deed of trust was executed by which, Mr.P.Ganesan and



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Smt.Rajeswari have been removed instead Mr.D.Thangaraju and Mr.K.Vaithiyanathan were retained as co-opted Trustees. Also, one Mr.V.Prasanna, S/o.K.Vaithiyanathan was added as co-opted Trustee. The second Board of Trustees consists of Mr.N.Elavarasan, Mr.E.Senthil Anand, Smt.E.Chandiravadivu, Mr.D.Thangaraju and Mr.K.Vaithiyanathan and Mr.V.Prasanna. The petitioner was appointed as Chairman of the Trust and Mr.Prasanna was appointed as Managing Trustee of the Trust. Meanwhile, on 05.02.2018 and 25.07.2019, to grab the Trust Property, Mr.D.Thangaraju brother-in-law of Mr.Sampath, the then Hon'ble Minister for Industries, Tamil Nadu, Mr.K.Vaithiyanathan and M/s.S.Diviya, D/o.Mr.Sampath, the then Hon'ble Minister for Industries, Tamil Nadu, Mr.V.Prasanna, created a forged document called resolution, as if the petitioner presided over the extraordinary meeting.

4. In the alleged forged resolution, it has been stated that Smt.E.Chandiravadivu, Mr.E.Senthil Anand, Mr.D.Thangaraju, Mr.K.Vaithiyanathan and Mr.V.Prasanna were present. In the resolution it has been further stated that Mr.V.Prasanna has expressed his willingness to retire from the Trust and M/s.S.Diviya, D/o.Mr.Sampath, the then Hon'ble Minister for Industries, Tamil Nadu be included.



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5. The case of the petitioner is that he never participated in the alleged extraordinary meeting and he has not signed the said resolution. The petitioner would further submit that he was not aware of the resolution. Meanwhile, based on the illegally created resolutions dated 05.02.2018 and 25.07.2019, the seventh respondent executed the addendum Deed No.23 on 29.07.2019 by which, the ninth respondent was appointed as a co-opted trustee, further appointed as Managing Trustee. On 29.07.2019, some other persons were also illegally appointed as co-opted trustees against the Original Trust Deed. Thereafter, addendum Deed No.35 dated 03.10.2019 was executed by the seventh respondent based on the forged resolution dated 05.02.2018 and 25.07.2019. The petitioner would further submit that on 08.08.2019, a show cause notice was issued as if the petitioner has committed several illegal acts against the interest of the Trust. Thereafter, by resolution dated 01.09.2019, the petitioner was also removed from the Trust. All the above said acts of the seventh to ninth respondents as stated above is only with a view to grab the Trust property. Hence, the Writ Petition.

6. Learned Special Government Pleader appearing for the first to fourth and sixth respondents submitted that the representation given by the petitioner



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on 30.09.2019 has to be entertained only under Section 77-A of the Registration Act, 1908 by virtue of the Tamil Nadu Amendment with effect from 16.08.2022. The above provision has been challenged since it is *ultra vires* and the Division Bench of this Court has granted interim order in W.P.Nos.10291 of 2022 etc batch on 26.03.2024. He further submitted that enquiry on the representation dated 30.09.2019 of the petitioner will be conducted only after the outcome of the order passed by this Court in W.P.Nos.10291 of 2022 etc batch.

7. In view of the above submission, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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WEB COPY

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