



W.P.No. 35322of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35322of 2024

M/s R.Udayavaraliah Charities

...Petitioner

Vs.

1 The Inspector General of Registration
110, Santhome High Rd,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600028

2 Sub Registrar
Office of the Sub-Registrar,
Sowcarpet Nagar,
Chennai- 600001

...Respondents

Prayer: Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Certiorarified Mandamus to quash the refusal order dated vide Refusal No. RFL/Sowcarpet/18/2024 dated 13.09.2024 on the file of the 2nd Respondent as arbitrary,unlawful,unjust without jurisdiction and directing th e2nd



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Respondent to register the Sale deed dated 13.09.2024.

WEB COPY

For Petitioner : Mr.S.Sathyannarayanan

For Respondents : Mr.B.Vijay
1 & 2 Additional Government Pleader

ORDER

Challenging the refusal order of the 2nd respondent in RFL/Sowcarpet/18/2024 dated 13.09.2024, the petitioner is before this Court.

2. The Petitioner-Trust is a private family trust, which was created by the last “Will” and Testament of Ramanujakutam Udayarliah dated 29.01.1910 for carrying out certain charitable activities on behalf of the family. This Court, by order dated 24.08.1912, had issued a Probate in O.P. No. 12 of 1912. The Petitioner-Trust had executed a Deed of Declaration of Trust dated 12.12.2023 registered as Document No.196 of 2023 on the file of the



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Sub Registrar Office, Thyagaraya Nagar. As per Clauses 13 and 17 of the said Deed of Declaration of Trust, the Trustees have the power to sell the property of the petitioner-Trust. Therefore, with the consent of all the trustees, the property of the Trust was sold to one R. Muthayan and others vide Sale Deed dated 13.09.2024. However, the second respondent refused to register the Sale Deed on the ground that they have to obtain a Court order for the sale of the property. Aggrieved by the same, the petitioner-Trust is before this Court.

3. Heard the learned counsels on either side.

4. The Sale Deed, which is the subject matter of this writ petition, clearly indicates that the vendor is a private Trust. Further, the Deed of Declaration dated 12.12.2023 contains a clause, i.e., Clause No. 17, which states that the Board of Trustees, with the consent of the Managing Trustee, are entitled to sell the assets of the Trust, both movable and immovable. Therefore, the sale that is now



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proposed to be registered clearly states that the Sale Deed has been executed pursuant to the powers given under Clause 13 and 17 of the Deed of Declaration dated 12.12.2023. Hence, the refusal on the part of the 2nd respondent to register the Sale Deed is without any basis.

5. Accordingly, the Writ Petition is allowed, and the impugned order dated 13.09.2024 is set aside. The 2nd respondent is directed to register the Sale Deed within a period of 2 weeks, from the date of receipt of a copy of this order. No costs.

10.12.2024

Index : Yes/No
Internet : Yes/No
srn

To,

1 The Inspector General of Registration
110, Santhome High Rd,
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P.T. ASHA, J,

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