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W.P.No.37644 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.37644 of 2024**

Sri Dhivyam Educational And Charitable Trust  
Represented By Secretary, M.Thamaraikannan  
S/O Muniyappan No 103/1C3,  
Vellolai Jollihalkottai Village, Solaikotai Post,  
Dharmapuri Taluk, and District.

... Petitioner

**Vs.**

1.The District Registrar  
Dharmapuri, Dharmapuri District

2.The Joint Sub-Registrar -II  
Dharmapuri, Dharmapuri District

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondents to accept and register the supplementary trust deed dated 22.10.2024 presented by the petitioner and grant such other relief deem fit and proper under the circumstances of the case.



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For Petitioner : M/s.R.Rajarajan

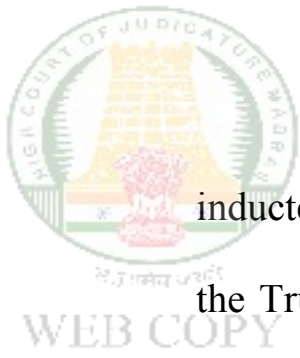
For Respondents : M/s.M.Shahjahan, Spl.GP  
for R.1 & R.2.

### **ORDER**

The petitioner seeks a mandamus to the 2nd respondent to accept and register the supplementary trust deed dated 22.10.2024 presented by the petitioner.

2. The petitioner trust was formed in the year 2012. One Mr.Sivaguru was elected President on 25.09.2012. At the time of formation of the trust one Mr.Manivannan was elected as the Secretary and one Malini and others were inducted as trustees. Originally, the said trust had established a primary school and it was running successfully. The said Malini and the others did not show any interest in the trust activities and therefore they had resigned from the said trust.

3. Thereafter, one Nantheeswari and the petitioner were



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inducted as trustees on 05.12.2017 to help the Chairman/President of the Trust in the management and administration of the Trust. By the concerted effort of all, the charitable activities of the Trust got extended and a B.Ed. College and Diploma Course for the Health Inspector were started. This got the erstwhile trustees jealous. Therefore, they had filed a suit O.S.No.48/2020 on the file of the I Additional District Judge, Dharmapuri seeking to declare one Balu as a Chairman cum Management trustee and to remove the present President/Chairman Mr.Sivaguru from the post of Managing Trustee and also to remove the petitioner and Nantheeswari from the Trust and to declare the resolution passed by the Trust as null and void and for a permanent injunction. The said suit was filed suppressing various material facts.

4. Although an injunction was initially granted by the Trial Court, it was vacated by the order passed by this Court in C.M.A.No.1586 of 2020, dated 05.03.2024. Before the grant of injunction by the Trial Court, the petitioner herein who was the Secretary of the Society and Sivaguru, the President of the trust were



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operating a bank account. Thereafter, taking advantage of the interim injunction, the said Malini and others approached the bank and submitted a letter objecting to the transactions being done by the President Sivaguru and the Secretary Thamiraikannan. The Bank acted upon this injunction order and prevented the petitioner trust from operating the bank account through its President and Secretary. Aggrieved by the same, the petitioner had filed W.P.No.2500 of 2021 seeking a mandamus to permit the petitioner to operate the current Bank Account. The same was permitted by this Court.

5. Thereafter, in order to avoid further complication the petitioner had drafted a supplementary trust deed dated 22.10.2024 and when the said supplementary trust deed was presented for registration before the 2nd respondent, the same was orally refused citing that a civil suit was pending.

6. Heard the learned counsels on either side and perused the records.



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7. This Court in CMA.No.1856 had vacated the interim injunction that was initially granted by the Trial Court. That apart, in W.P.No.2500 of 2021, this Court had permitted the present President and the Secretary of the Trust to operate current account (separate account).

8. In the light of the above, the refusal to receive and register the document is without any basis. Therefore, the Writ Petition is allowed and the 2nd respondent is directed to register the supplementary trust deed dated 22.10.2024 within a period of 2 weeks from the date of its representation by the petitioner. No costs.

**19.12.2024**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To



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1. The District Registrar  
Dharmapuri, Dharmapuri District

2. The Joint Sub-Registrar -II  
Dharmapuri, Dharmapuri District

**P.T. ASHA. J.,**

(shr)



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