



W.P(MD)No.8270 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.8270 of 2023

and

W.M.P.(MD)Nos.7613 & 7615 of 2023

Gabriel Lourdes

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Thanjavur, Thanjavur District.

2.The Sub Registrar,
Ayyampettai Sub Registrar Office,
Ayyampettai, Papanasam Taluk,
Thanjavur District.

3.Deisy Lilly

4.Gosman Arockiaraj

... Respondents

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order vide Mu.Mu.No.3450/Aa2/2022, dated 28.02.2023 passed by the 1st respondent and quash the same as illegal and consequently, to direct the respondents 1 and 2 to cancel the fraudulent supplementary deed of trust vide Document No.25 of 2022 and another fraudulent supplementary deed of trust vide Document No.26 of 2022 registered at the 2nd respondent Office.



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For Petitioner : Mr.T.Indrachithu
For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader
For R3 & R4 : Mr.R.Kavin Prasath

ORDER

Heard both sides.

2.It is the case of the petitioner that on 30.03.2001, the 3rd respondent created a trust in the name of St.Mary Educational Trust, where the 4th respondent, Loyola Arulraj and G.Sebastian were declared as permanent trustees and the petitioner was appointed as Managing Trustee. The said trust deed was registered vide Document No.40 of 2001. Thereafter, since the respondents 3 and 4 were acting against the object of the trust, the majority of the trustees passed a resolution to remove the respondents 3 and 4 from the trust, which was registered vide Document No.20 of 2022. Thereafter, the 3rd respondent, by creating fraudulent supplementary deed of trust, removed the petitioner from the trust, which was registered vide Document No.25 of 2022. Aggrieved by the same, the petitioner has filed a petition before the 1st respondent, seeking cancellation of the said supplementary deed of trust. However, the 1st respondent, vide order dated 28.02.2023, rejected the request of the petitioner, however, declared the Document No.20 of 2022 as null and void. Challenging the same, the petitioner has filed this Writ Petition.



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3.At the outset, this Court is of the view that the very entertaining such complaint and going into the affairs of the trust by cancelling the settlement deed of trust by the registering authorities is beyond the jurisdiction. If at all any trustee has any other grievance over the affairs of the trust, the appropriate remedy lies before the civil Court, not before the District Registrar. Therefore, the impugned order passed by the 1st respondent dated 28.02.2023 is quashed.

4.As far as the cancellation of other supplementary deeds in Document Nos.25 of 2022 and 26 of 2022 is concerned, the registering authority has no power to cancel the document already registered as per ***Satya Pal Anand v. State of M.P.[2016 10 SCC 767]*** and ***G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024.***

5.In view of the above, this Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva



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To

1.The District Registrar,
District Registrar Office,
Thanjavur, Thanjavur District.

2.The Sub Registrar,
Ayyampettai Sub Registrar Office,
Ayyampettai, Papanasam Taluk,
Thanjavur District.



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N.SATHISH KUMAR, J

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