



WP(MD). No.14658 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.14658 of 2023

Arumugam

... Petitioner

Vs

1. The District Collector,
Office of the Collectorate Building,
Tirunelveli District..

2. The District Registrar,
Office of the District Registrar,
Behind the Johns Hr. Sec., School,
Sankar Colony, Tirunelveli.

3. The Sub Registrar,
Office of the Sub Registrar Joint-I,
Behind the Johns Hr. Sec., School,
Sankar Colony, Tirunelveli.

4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department, Office of the
Assistant Commissioner, Tirunelveli District.

5. Subramani.N

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of



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India, praying this Court to issue of Writ of Mandamus directing the 2nd respondent to conduct an enquiry so as to cancel the trust deed stands in the name of the 5th respondent in Document No.1/2023 dated 11.01.2023 on the file of the 3rd respondent office by considering the petitioners representation dated 06.06.2023 within the time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed
For Respondents : Mr.P.Subbaraj for R1 to R3
Special Government Pleader
Mr.K.S.Selvaganesan for R4
Addl. Government Pleader
Mr.V.Angusamy for R5

ORDER

This writ petition has been filed for a mandamus to direct the 2nd respondent to conduct an enquiry so as to cancel the trust deed stands in the name of the 5th respondent in Document No.1/2023 dated 11.01.2023 on the file of the 3rd respondent office by considering the petitioners representation dated 06.06.2023 within the time frame as fixed by this Court.

2. The case of the petitioner is that the 5th respondent is registered a trust deed by using the temple name. The temple belongs to the village



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and the people in the village are still worshipping in the temple. When the 5th respondent is collecting money from the village people for various other temple activities and therefore, the village people sent a representation and finally, the temple has been taken over by the 4th respondent department. While so, the 5th respondent registered the trust deed mentioning that the properties of the temple are coming under the trust. In order to cancel the same, the petitioner sent a representation. Since the same has not been considered so far, the petitioner is before this Court.

3. At the outset, it is to be noted that the registering authority has no power to cancel the registered document. It is seen that the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court 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. Accordingly, the writ petition is dismissed.



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4. Accordingly, the writ petition is dismissed. The petitioner has to work out his remedy before the competent civil court. No costs.

18.09.2024

RR

TO

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N.SATHISH KUMAR,J

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**ORDER
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