



W.P (MD).No.31030 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.31030 of 2023

and

W.M.P(MD)Nos.26607 & 26610 of 2023

Anna Vinayagar Devasthanam Trust
Rep. by its Secretary,
Ganapathipuram-629 502
Kanyakumari District.

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil,
Kanyakumari District.

2.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.

3.The Sub-Registrar,
Rajakkamangalam,
Kanyakumari-629 502,
Kanyakumari District.

4.P.Annavinayagam @ Suresh

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the



W.P (MD).No.31030 of 2023

impugned Refusal Check Slip dated 23.08.2022 issued by the second respondent Sub-Registrar quash the same and further direct the third respondent Sub-Registrar to register forthwith the General Power of Attorney presented by the petitioner Trust on 23.08.2022 in respect of its property at Survey No.499/2, 499/3 at Neendakarai Village, Ganapthipuram, Kanyakumari District.

For Petitioner : Mr.R.Harihara Selvam
For R1 to R3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R4 : Mr.T.Selvakumaran

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent, dated 23.08.2022, thereby, refused to register the General Power of Attorney.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner is a Trust consisting 61 members, in which, the fourth respondent is also one of the members. The petitioner's Trust is a private Trust and it has established the educational agency in the name of Anna Vinayagar Devasthanam Higher Secondary School, Ganapathipuram, Nagercoil, Kanyakumari District, Anna Vinayagar College of Education -



W.P (MD).No.31030 of 2023

(B.Ed.,) Ganapathipuram, Nagercoil, Kanyakumari District, Anna Vinayagar

Private Industrial Training Institute, Ganapathipuram, Nagercoil, Kanyakumari District and Anna Vinayagar College of Arts and Science, Ganapathipuram, Nagercoil, Kanyakumari District. The Arts and Science college was started in the year 2021-2022, it was established after due permission from the authorities and affiliated with Manonmaniam Sundaranar University, Tirunelveli. While being so, one of its building is in dilapidated condition and it requires immediate demolition and reconstruction in the school.

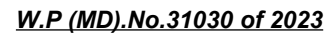
4. Therefore, on 24.10.2021 the Trustees of the petitioner convened a General Body Meeting and resolved to alienate some of the property in order to settle the debts and also for construction of the new building for the school. In pursuance to the resolution, the petitioner has decided to alienate the property comprised in Survey No.499/2, 499/3 at Neendakari Village, Ganapathipuram, Kanyakumari District measuring 15.85 acres and had executed a Power of Attorney in favour of one S.Rajasekar, who is serving as Headmaster of the School run by the petitioner's Trust. On 23.08.2022 the same was presented for registration. In the meanwhile, the fourth respondent, who is being a member of the petitioner's Trust, filed a suit in O.S.No.6 of 2022 on the file of the Principal District Munsif, Nagercoil for permanent injunction as against the



W.P. (MD).No.31030 of 2023

petitioner from alienating the subject property. However, it is pending for adjudication without any interim order. Therefore, the fourth respondent has raised an objection before the third respondent and as such, the third respondent issued the refusal check slip and refused to register the Power of Attorney. Further, on perusal of the records also reveals that during the General Body Meeting of the petitioner, out of 36 members, 35 members had agreed to alienate the property except the fourth respondent. That apart, there is no interim order as against the petitioner as well as the third respondent in respect of registration of any documents with regard to the subject property. Therefore, absolutely there is no impediment for the third respondent to register the deed in respect of the subject property.

5. In view of the above, the impugned refusal check slip cannot be sustained and it is liable to be quashed. Accordingly, the impugned order of refusal check slip dated 23.08.2022 issued by the third respondent is quashed and the petitioner is directed to re-present the Power of Attorney for registration before the third respondent. On receipt of the same, the third respondent is directed to issue notice to the petitioner as well as the fourth respondent and to conduct an enquiry and pass appropriate orders to register the Power Attorney deed presented by the petitioner and release the document in



6. In view of the above, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.11.2024

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W.P (MD).No.31030 of 2023

G.K.ILANTHIRAIYAN, J.

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W.P (MD).No.31030 of 2023

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