



W.P.No.21677 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.21677 of 2025

1.Pallaniyappan Ramaswamy
2.N.Saravanan

... Petitioner

Vs.

1. The Inspector General Of Registration
Santhome, Chennai-600 004.
2. The Deputy Inspector General Of Registration
Tiruchirapalli, Tiruchirapalli District.
3. The District Registrar (administration)
Tiruchirapalli
4. District Registrar (administration)
Coimbatore (south) 1st Floor,
Singapore Plaza, Crosscut Road,
Coimbatore-12.
5. The Sub Registrar
Thiruvarambur, Thiruchirapalli District.
6. The Sub Registrar
Singanallur, Coimbatore District.
7. The Sub Registrar
Srirangam, Tiruchirapalli District.



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8. Ve.Narayanan Chettiyar

9. K.Kumarappan Chettiar

10. S.Senthil Kumar

11. S.Sridevi

12. Priyadarshini

13. N.Vadivel

14. R.Praveen Raj

15. K.N.Manivannan

16. Ariyakudi Chidambaram Chettiyar Annadhana Chatram,
A Public Charitable Trust,
Door No.48/62, North Adayavalanjan Street,
Srirangam Taluk, Tiruchirapalli District,
Rep. By Its Trustees.

(R16 impleaded vide order dated 20.08.2025 made
in WMP.35183/2025 in WP.21677/2025)

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Directing respondents 1 to 4 to initiate proceedings against respondents 9 to 15 as well as officials responsible for registration of Exchange Deed dated 20.07.2020 registered as document No.3245 of 2020 on the file of the 5th respondent, Exchange Deed dated 14.08.2024 registered as document No.16875 on the file of the 6th respondent and Exchange Deed dated 23.12.2024



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registered as Document No.81 on the file of the 7th respondent under Sections 81, 82 and 83 of the Registration act AMENDED AS Directing respondents 1 to 4 to initiate proceedings against respondents 8 to 15 as well as officials responsible for registration of Exchange Deed dated 20/07/2020 registered as document No.3245 of 2020 on the file of the 5th respondent, Exchange Deed dated 14/08/2024 registered as document No.16875 on the file of the 6th respondent and Exchange Deed dated 23/12/2024 registered as Document No.81 on the file of the 7th respondent under Sections 81, 82 and 83 of the Registration act.

(PRAYER AMENDED VIDE ORDER DATED 20.08.2025 MADE IN WMP.35192/2025 IN WP.21677/2025 BY MSQJ)

For Petitioner : Mr.V.Selvaraj
for Ms.V.S.Manimekalai

For Respondent : Mr.U.Baranidharan, SGP for R1 to 7
Mr.S.R.Rajagopal, SC,
for M/s.Adithya Sarangarajan,
for R8 & 16
Mr.A.KSamy, for R9
Mr.P.V.Sudhakar for R10 to 14
Mr.Vijay Narayan, SC
for Mr.V.G.Suresh Kumar for R15



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ORDER

This writ petition has been filed to direct the respondents 1 to 4 to initiate proceedings against respondents 9 to 15 as well as officials, who are responsible for registration of three Exchange Deeds dated 20.07.2020, 14.08.2024 & 23.12.2024.

2. The main grievance of the petitioner in the present case is that the respondents 8 & 9 had executed the exchange deeds dated 20.07.2020, 14.08.2024 and 23.12.2024 without any authority.

3. The learned counsel for the petitioner would submit that the General Body Meeting of the 16th respondent-Trust, was said to have convened on 08.07.2020, whereby, the respondents 8 & 9 were appointed as “Trustees” of the 16th respondent-Trust vide resolution passed therein. On the strength of the said resolution, the respondents 8 and 9 had filed a suit in OS.No.287 of 2020 before the District Munsif Court, Srirangam and obtained the *ex parte* decree, which reads as follows:



a) The plaintiff filed the suit for declaring the paper publication effected/issued by the defendants in Dinamalar Tamil Daily dated 11.09.2020 questioning the plaintiff's act as trustees of the plaintiff trust, is illegal, ultravires, null and void and not binding on the plaintiffs.

b) The plaintiffs filed the suit for permanent injunction restraining the defendant, their men, agents, subordinates, servants and other persons claiming under them from in anyway interfering with the plaintiff's management and administration of the plaintiff-trust, in the vacant place.

4. According to the petitioner, the aforesaid *ex parte* decree obtained by the respondents 8 & 9 in OS.No.287 of 2020 is a direct contempt of Court in respect of the Scheme decree dated 18.09.1957, which was framed by Sub-Court, Thiruchirapalli in OS.No.86 of 1955 and modified by the Hon'ble Division Bench of this Court dated 06.02.1961 in AS.No.357 of 1961. In the event, if there is any non-function or mis-management, the only right course available to the respondents 8 & 9 is to approach the Civil Court, where the Scheme



decree was obtained. However, in this case, without considering all the above aspects and without conducting any proper enquiry with regard to the authority of the respondents 8 & 9, the exchange deeds were registered by the official respondents based on the aforesaid ex-parte decree. Hence, this petition.

5. Further, he would fairly submit that apart from the filing of present petition, they had also filed a suit before the District Court, Tiruchirapalli, with the following prayer:

25) The plaintiffs therefore, pray that this Hon'ble Court may be pleased to pass a judgement and decree

A) Granting leave to the plaintiffs to file the suit under Section 92 of CPC;

B) Framing a new Scheme for the administration of 1st defendant Trust.

C) Declaring that the Exchange Deeds executed by the defendants 4 & 5 in favour of defendants 6 to 13 are fraudulent and void and consequently, restoring A to E Schedule properties to the 1st defendant Trust.



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6. The said suit, which has been filed by the petitioners for the aforesaid reliefs, is yet to be numbered. Hence, he requests this Court to pass appropriate orders.

7. Per contra, the learned counsel appearing for the respondents 8, 9 & 16 would submit that in this case, the issue raised before this Court is pertaining to the subject matter of the Scheme decree, which was framed by Sub-Court Thiruchirapalli on 18.09.1597 and subsequently, modified by this Court vide the order dated 06.02.1961 in AS.No.357 of 1957 & 158 of 1958.

8. The Scheme decree provides for the purpose of exchange of properties in the event if there is any benefit and advantage of “choultry”. Thus, in terms of the said Scheme decree only, the properties were exchanged by the 8th and 9th respondents vide the exchange deeds dated 20.07.2020, 14.08.2024 and 23.12.2024. If there is any disagreement, with regard to the such exchange, the petitioners are supposed to have approach the concerned Civil Court for appropriate



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direction.

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9. Apart from the above disagreement, even if the affairs of management of trust, viz., appointment of trustees, conducting the General Body Meeting, etc., are not in accordance with the said Scheme decree, the petitioners can very well approach the Civil Court for appropriate orders. However, it is not proper for the petitioners to approach this Court under the pretext that the exchange deeds were executed without any authority.

10. That apart, to substantiate the allegations made by them, the petitioners have to establish the aspect that the appointment of 8th and 9th respondents are not in accordance with law. After such establishment only, the question of investigation against the concerned officials under Section 81, 82 & 83 of the Registration Act, 1908 will come into picture.

11. Further, he would submit that in this case, the previous



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management had challenged the exchange deeds by virtue of filing the writ petition in WP(MD)No.18319 of 2020 and the same was dismissed by this Court vide order dated 22.02.2021. Now, once again, the very same issue is brought up before this Court by way of the present petition. Even after the filing of this petition, now, they filed a suit before the District Court to declare the execution of exchange deeds as fraudulent and void and consequently, to restore the A to E schedule mentioned properties to the 1st defendant therein.

12. By referring the filing of such suit, he would contend that while filing this petition, the petitioners are well aware of the fact that this Court will not entertain the prayer of the petitioners prior to the declaration of exchange deeds as fraudulent and void. Hence, they filed the aforesaid suit after the filing of the present petition. A copy of the said suit was also filed before this Court. Hence, he prays for dismissal of this petition.

13. As far as the official respondents are concerned, they filed a



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the 5th respondent, Exchange Deed dated 14.08.2024 registered as document No.16875 on the file of the 6th respondent and Exchange Deed dated 23.12.2024 registered as Document No.81 on the file of the 7th respondent under Sections 81, 82 and 83 of the Registration Act.

17. Upon perusal of records, it appears that a suit was also filed by the very same persons, i.e., petitioners herein, before the District Court, Thiruchirapalli, and the same is yet to be numbered. A copy of the said plaint was fairly submitted by the petitioners herein, which reads as follows:

25) The plaintiffs therefore, pray that this Hon'ble Court may be pleased to pass a judgement and decree

A) Granting leave to the plaintiffs to file the suit under Section 92 of CPC;

B) Framing a new Scheme for the administration of 1st defendant Trust.

C) Declaring that the Exchange Deeds executed by the defendants 4 & 5 in favour of defendants 6 to 13 are fraudulent and void and consequently, restoring A to E Schedule properties to the 1st defendant Trust.

18. The relief sought for in the above suit was to declare the



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execution of the exchange deeds as null and void. Unless and otherwise, the said exchange deeds are declared as null and void, no proceedings can be initiated against the respondents 8 to 15 by the official respondents 1 to 4.

19. Further, as rightly contended by the respondent, the petitioners are well aware that the relief sought for by them in this petition will not be entertained by this Court, prior to the declaration of exchange deeds as fraudulent and void and hence, after the filing of this petition, they filed a suit before the District Court for the aforesaid relief.

20. The aspect of declaration of exchange deeds as null and void has to be decided by the appropriate Civil Court and the same cannot be entertained by this Court sitting under Article 226 of the Constitution of India. Therefore, as suggested by the respondent, the only right course available to the petitioners is to approach the concerned civil Court.



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21. Even in the event, if the petitioners' allegation is only pertaining to the appointment of 8th and 9th respondents as Trustees of 16th respondent, the said aspect would be the subject matter of violation of the Scheme decree, which was framed by Sub-Court Thiruchirapalli on 18.09.1597 and subsequently, modified by this Court vide the order dated 06.02.1961 in AS.No.357 of 1957 & 158 of 1958.

22. At this juncture, it would be apposite to extract clause 18 of the said Scheme Decree, which reads as follows:

18. In case, it is found expedient to effect an exchange of the choultry properties with other properties to outsiders for the benefit and advantage of the choultry, the Trustees in office at that time shall do so after consulting the Board of control.

23. A reading of the above clause 18 of Scheme decree makes it very clear that the trustees can exchange properties. In such case, the 8th and 9th respondents, being the Trustees of the 16th respondent-Trust, have power to execute the aforesaid exchange deeds and accordingly, the said



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exchange deeds were registered by the official respondents.

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24. Now, the issue that has to be determined is as to whether the appointment of 8th and 9th respondents as Trustees, vide the General Body Meeting convened on 18.07.2020, was correct or not. However, so far, no challenge has been made before any Court of law with regard to the appointment of 8th and 9th respondents as trustees of the 16th respondent.

25. As rightly contended by the respondents, the registering Authority will not have any power either to cancel the documents or to declare that the appointment of 8th and 9th respondents as null and void. In such case, if the petitioners are aggrieved over the appointment of 8th and 9th respondents as trustees, they should have challenged the same before the concerned Civil Court.

26. Once if the fraudulent act of any person is proved, with



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substantial evidences, before the concerned Civil Court and if the findings were also rendered on the aspect of default, thereafter only, further proceedings can be carried out against such defaulter.

27. In this case, only after considering the appointment of 8th and 9th respondents as Trustees vide the General Body Meeting held on 08.07.2020, the official respondents had registered the exchange deeds executed by them. Those appointments were also not challenged before any Court of law. As stated above, unless and otherwise the said appointment is declared as null and void, no proceedings can be initiated by the Authorities concerned and they cannot conduct any enquiry in terms of provisions of Section 81, 82 & 83. In such case, it is clear that the present petition has been filed in a pre-mature manner.

28. Further, in this case, a submission was made by the respondent that the obtaining of *ex parte* order in OS.No.287 of 2020 by the 8th and 9th respondent on 02.07.2025, is a direct contempt of Scheme decree, framed by Sub-Court Thiruchirapalli on 18.09.1597 and subsequently,



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modified by this Court vide the order dated 06.02.1961 in AS.No.357 of 1957 & 158 of 1958.

29. As far as the above submission is concerned, even if it is contempt of Court, this Court cannot decide on the aspect as to whether there is any violation of Scheme decree or not. The said aspect has to be decided by the Court, who has framed the Scheme Decree. When such being the case, it is clear that this petition has been filed without any merits.

30. Therefore, for all the above reasons, this Court is of the considered view that the present writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No cost.

03.11.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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KRISHNAN RAMASAMY.J.,

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