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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No. 31403 of 2025
and
W.M.P.No. 31538 of 2025

M/s.Marthandam Educational and Charitable Trust,
Rep. By its President,
Dr.T.James Wilson ... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Marthandam Registration District,
Integrated Complex,
Vettuvani, Marthandam Post,
Kanyakumari District – 629 165.

3.The Joint Sub-Registrar-II,
Marthandam, Integrated Complex,
Vettuvani, Marthandam Post,
Kanyakumari District – 629 165.

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4.F.Prince Vino, President,
Marthandam Educational and Charitable Trust,
Marthandam College of Engineering &
Technology Campus,
Kuttu Kuzhi, Viyyanur (Post).
R4-suo motu impleaded vide order dated
28.08.2025 by MSQJ) ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus, calling for the records of the 2nd respondent in the refusal order dated 21.05.2025 in No.2 of 2025 in Book No.2 on the file of the 3rd respondent and quash the same and consequently direct the respondents to register the Amendment Deed dated 24.02.2025 presented by the petitioner Trust.

For Petitioner : Mr.P.H.Aravind Pandian, Senior Counsel
for Aakash Johannes Russell

For Respondents : Mr.U.Baranidharan
Special Govt. Pleader for R1 to R3
Mr.S.S.Sajeevkesan for the newly
impleaded 4th respondent

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O R D E R

This writ petition is filed challenging the refusal order dated 21.05.2025 passed by the 3rd respondent, refusing to register the Amendment Deed presented by the Petitioner Trust.

2. Heard Mr.P.H.Aravind Pandian, learned Senior Counsel appearing for the petitioner, Mr.U.Baranidharan, learned Special Government Pleader appearing for R1 to R3 and Mr.S.S.Sajeevkesan, learned counsel appearing for the newly impleaded party.

3. Mr.S.Sajeevkesan, learned counsel submit that he is claiming to represent Mr.F.Prince Vino, the then President of the petitioner / Trust and would seek impleading of the said person as 4th respondent.

4. The learned Senior Counsel appearing for the petitioner / Trust would submit that though they have no objection for the 4th respondent being impleaded, he would submit that the 4th respondent is claiming locus in his capacity as a Chairman, which is being disputed, this Court is not

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inclined to go into the above question as it may not be necessary for the purpose of disposing of the present writ petition. To resolve the controversy involved, this Court finds appropriate to *suo motu* implead Mr.F.Prince Vino, as 4th respondent.

5. Challenge in this writ petition is to the refusal order dated 21.05.2025 passed by the 2nd respondent wherein, the deed of amendment dated 24.02.2025 presented for the registration by the petitioner's Trust was refused registration on the premise that there is a clause in the said amendment deed, which read as under:-

> *"Document No.19 of 2024 dated 15.02.2024 and Document No.83 of 2024 dated 29.10.2024 is declared as NULL AND VOID and has no effect on the Trust and its members."*

Looking to the above clause, the impugned order refused to register deed of amendment on the premise that it may not be permissible to include a clause which would, in effect, declared another document as being null and void.

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6. The learned Senior Counsel appearing for the petitioner would submit that the above reasoning is contrary to the orders of this Court wherein, it has been held that it may not be open to the registration authorities to enquire into legality / correctness of the document presented for registration. He would submit that the scope of enquiry of the Registration Authority is very very limited and narrow and would be confined to what is enumerated in the Rule 55 of the Registration Rules. He would further submit that the scope of jurisdiction of the Registration Authority under similar circumstances came up for consideration recently before a single Judge of this Court in the case of ***R.Asokkan Vs. Sub-Registrar and another*** reported in ***2025 (1) CWC 692*** wherein, it has been held as under:-

> *"27. Rule 55 also points out that it is not the duty of the Registering Officer to enquire into the validity of the document brought before him or act upon any written or verbal protest unless and until*
>
> *a) the persons presenting the documents are not the persons they profess to be,*

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b) the document is an act of forgery,

c) the person appearing as representative, assign or agent does not have the right to act in that capacity,

d) the executing party is not dead as alleged and

e) the executant is either a minor or a mentally challenged person.

28. Before I go into the discussion of these provisions to the present case, I should point out that in the impugned order, the first respondent has not questioned the identity or the capacity of Mr.Asokan as a trustee of Cheran Educational Trust. A perusal of the impugned order shows that the reason he has given to reject the document has been set forth above. None of these reasons fall either under Sections 32 or 34, Rule 55 and 56 of the Registration Act as well as Rules. On the contrary, a perusal of the order shows that the Registrar has conceded to the capacity of Mr.Ashokan to present the document as a Managing Trustee.

29.His scope of enquiry is limited within the fore corners of Rule 55 (a) to (e). When a case does not fall under any of the Rules under Rule 55, the buck stops there. The first respondent should have registered the document and left it

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open to the parties to agitate the civil rights before the competent civil Court. Instead, he donned upon himself, the role of the civil Court questioning the validity of the document on the ground that it is not supported by an unanimous resolution and also the fact that the three named persons had removed themselves from the Trust. Whether the memorandum of understanding is valid or not and whether the resolution was validly passed or not is not for the Sub Registrar to enquire.

36. I am of the view that the reasons that have been given, namely that there is no unanimous resolution or that the trustees, who have presented the document, had removed themselves from the Trust do not fall within Sections 32 and 34 or Rules 55 and 56 of the Registration Act and Rules respectively. Hence, it deserves to be set aside".

(emphasis applied)

7. The learned Senior Counsel would also rely upon the judgment of a Division Bench of this Court made in ***W.A.Nos. 1293 & 1295 of 2021*** dated ***16.04.2025***, wherein it was held as under:-

"56. Rule 55 states that no registering officer would enquire into a validity of the document brought to him for registration or attend to any protest against the registration of such

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document, except in the situations adumbrated under clauses (a) to (e) above. It is the condition in Clause (b) that applies in the present case, that the documents in question are forged."

8. This Court find that there is a merit in the submission of the learned Senior Counsel inasmuch as if the authority under registration cannot examine the validity of the document which was brought before him, it cannot examine legality / validity of clause/s in an amendment deed.

9. The learned counsel appearing for the newly impleaded party / 4th respondent would submit that the 4th respondent has not filed protest letter and sought liberty to file the same. It is open to the 4th respondent to file its protest petition before the 3rd respondent, if any such protest letter is submitted, the same would be considered by the concerned respondents on its merits and in accordance with law, after furnishing a copy of the same to the petitioner and after affording an opportunity of personal hearing to the petitioner and 4th respondent.

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10. In view thereof, this impugned order dated 21.05.2025 is set aside. It is open to the petitioner / Trust to re-present the deed of amendment of the Trust and on such re-presentation being made, the same would be registered, if it is otherwise in order.

11. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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Note: Issue order copy on 02.09.2025

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To

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MOHAMMED SHAFFIQ, J.

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