



W.P.No.36425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

W.P No. 36425 of 2025

and

WMP.No.40710 of 2025

Kamarajar Educational
Trust,
Rep by its Managing Trustee
and President,
R.Ganesan,
Having Registered Office at,
Bommaikuttaimedu,
Sellappampatti Post,
Namakkal Taluk and District.

Petitioner

Vs

The Sub-Registrar,
Sendhamangalam,
Namakkal District.

Respondent



W.P.No.36+25 of 2025

Writ Petition filed under Article 226 of the Constitution of India, for issuance of

Writ of Certiorarified Mandamus to call for the entire records relating to impugned Refusal Check Slip in RFL / Senthamangalam / 113/ 2025, dated 12.09.2025 issued by the Respondent and quash the same with consequential direction directing the Respondent to register the Supplementary Trust Deed dated 27.08.2025.

For Petitioner : Mr.K.M.Arun
For Respondent : Mr.U.Baranidharan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the Refusal Check Slip in RFL / Senthamangalam / 113/ 2025, dated 12.09.2025 issued by the Respondent and quash the same and consequently direct the Respondent to register the Supplementary Trust Deed dated 27.08.2025.

2. The facts giving rise to the writ petition, in a nutshell are as follows:



W.P.No.36+25 of 2025

(i) The Petitioner-Trust, is a public charitable Trust, established by executing a Trust Deed dated 11.08.2003, registered as Document No.73 of 2003, on the file of the Sub-Registrar, Sendhamangalam. The Trust initially consisted of 16 members and Mr.Nallathambi was appointed as the Managing Trustee and Chairman. As per the aforesaid Trust Deed, Trustee Nos.1 to 13 were managing the Trust along with Mr.S.Kaliannan, Mr.V.P.Loganathan and Mr.R.Venkatachalapathy. The said Mr.S.Kaliannan and Mr.V.P.Loganathan retired from their trusteeship with the consent of his legal heirs and other Trustees of the Trust.

(ii) The Petitioner Trust executed a Supplementary Trust Deed dated 01.04.2008, registered as Doc.No.87 of 2008, on the file of Sub- Registrar, Sendhamangalam by removing S.Kaliannan, V.P.Loganathan and Mr.R.Venkatachalapathy as the trustees and further added 25 members to the Trusteeship and Nallathambi was again appointed as the Managing Trustee and Chairman of the Trust and Mr.Sadhasivam was appointed as Secretary of the Trust. As per the aforesaid Trust Deed, trustees 1 to 36 were managing the Trust along with Mr.B.Periyasamy and Mr.S.Paramasivam as trustees.



W.P.No.36+25 of 2025

Mr.B.Periyasamy retired from Trusteeship on 30.09.2009 and Mr.S.Paramasivam retired on 31.10.2010, with the consent of other Trustees. Subsequently, their names were removed from the Trusteeship by a resolution passed with the unanimous consent of other Trustees. On 01.10.2009 and 01.04.2010, Trustee Nos.37,38 39 and 40 respectively were included in the Trust with the unanimous approval of the existing Trustees. To effect these alterations, an Amended Trust Deed dated 15.12.2010 was executed, appointing Mr.Nallathambi as the Managing Trustee and Chairman and Mr.Sadasivam as the Secretary of the Trust.

(iii) On 20.08.2025, the Petitioner Trust passed a Resolution appointing Mr.R.Ganesan as the managing trustee. In the said Resolution 12 former Trustees of the Trust viz., A.Abinaya, Mr.K.Shanmugavel, Mr.Nallathambi, Ms.N.Subhashini, Mr.R.Perarasu, Mr.R.Kanagaraj, Mr.P.Muthuraj, Mr.N.Maheswaran, Mr.K.Jayaraman, Mr.V.P.Loganathan, Ms.G.Revathi and Ms.R.Maha Selvi were retired from the Trusteeship by submitting the resignation letters dated 23.11.2012, 01.04.2017 and



W.P.No.36+25 of 2025

31.12.2024 respectively and also by executing an Undertaking Resignation Deed in favor of the Managing Trustee and other trustees. Further, the three trustees viz., Mr.M.Annamalai, Mr.Yuvaraj and Mr.P.Govindaraj passed away on 15.06.2022, 04.01.2023 and 24.06.2025 respectively. Thus, the resignation of 12 Trustees and the death of the three Trustees were recognized in the Board of Trustees meeting held on 20.08.2025.

(iv) It is further stated that vide the Resolution dated 20.08.2025, the trustee mentioned in the S.No.26, namely R.P.Santhoshsivan was admitted in the Trust with unanimous approval of the trustees and further resolved to amend the provisions of the Trust Deed dated 15.12.2010. Pursuant to the Resolution dated 20.08.2025, the entire Board of Trustees executed a Supplementary Trust Deed on 27.08.2025 incorporating the resolutions passed therein viz., the appointment of Mr.R.Ganesan as the Managing Trustee and adding Mr.R.P.Santhoshsivan as a trustee with unanimous approval of the other trustees. When the same was presented for Registration before the Respondent on



W.P.No.36+25 of 2025

12.09.2025, the Respondent passed the impugned Refusal Slip dated 12.09.2025 stating that the signatures of certain erstwhile members of the earlier Trust Deeds, who had resigned were not found on the present Supplementary Deed dated 27.08.2025. Challenging the said Refusal Slip, the present Writ Petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the impugned Refusal Slip has been issued without considering the fact that the Supplementary Trust Deed dated 27.08.2025 was duly executed pursuant to Board of Trustees Resolution and in accordance with clauses of the Trust Deed. Once such execution is established, the Registering Authority has a statutory duty to register the document, if it is otherwise in order. He therefore prays to set aside the Refusal Slip.

4. Learned Special Government Pleader appearing for the respondent would submit that since signatures of erstwhile members of the Trust, who had resigned were



W.P.No.36+25 of 2025

not found in the Supplementary Trust Deed dated 27.08.2025, the Respondent refused to register the Supplementary Trust Deed vide Refusal Slip dated 12.09.2025. However, he would submit that if any order is passed the same would be complied with.

5. Heard both sides. Perused the records.

6. In the case on hand, admittedly the erstwhile members are not the Executants of the Supplementary Trust Deed. If that be the case, the question of obtaining their signatures in the said document will not come into picture, as the petitioner is only a Trust and not the Partnership Firm, mandating the signature of the partner, who resigned from the Firm for execution of reconstitution of Partnership Firm, which is not required in the case of a Trust. Probably, the Respondent might have applied the principles of Partnership Firm in the present case and refused to register the Supplementary Deed. As rightly contended by the learned counsel for the petitioner, as the Supplementary Trust Deed dated 27.08.2025 was duly executed pursuant to the Board of Trustees Resolution,



W.P.No.36+25 of 2025

in accordance with the clauses of the Trust Deed, a Statutory Duty is cast upon the Respondent to register the same. That apart, the Respondent has insisted upon the signatures of the members, who were already shown in the earlier Trust Deeds, without considering the fact that Supplementary Trust Deed executed on 27.08.2025 clearly establishes the changes effected in the Trust.

7. In the light of the aforesaid observations, the refusal slip issued by the Respondent dated 12.09.2025 is liable to be set aside and accordingly the same is set aside. The Respondent is directed to register the Supplementary Trust Deed, immediately upon re-presentation of the same by the petitioner, if it is otherwise in order.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.



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W.P.No.36+25 of 2025

13.11.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking Order : Yes / No

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To

9/9



W.P.No.36+25 of 2025

The Sub-Registrar,
Sendhamangalam,
Namakkal District.

KRISHNAN RAMASAMY, J.

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10/8



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W.P.No.36425 of 2025

Writ Petition No.36425 of 2025

13.11.2025

11/9



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W.P.No.36+25 of 2025