

W.P.(MD)No.5610 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.5610 of 2025

A.Selvi

... Petitioner

vs.

1.The District Registrar,
Office of the District Registrar,
Thirupathur Road,
Sivagangai District.

2.The Sub Registrar,
Office of the Sub Registrar,
Thirupathur Road,
Sivagangai District.

3.Jeyamanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records related to the impugned proceedings of the 1st respondent dated 31.12.2024 passed in Na.Ka.No.5870/Aa1/2024 and quash the same as illegal and consequently direct the respondent 1 and 2 herein to cancel the Trust Deed dated 10.04.2024 in the name of Arulmigu Sri Vani Karuppasamy Charitable Trust by the 3rd respondent herein.

For Petitioner	:Mr.N.Jothivel
For R1 & R2	:Mr.P.T.Thiraviyam
	Government Advocate



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For R3 : Mr.P.Arumugam

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ORDER

The writ petition has been filed for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent dated 31.12.2024 passed in Na.Ka.No.5870/Aa1/2024, quash the same as illegal and consequently direct the respondents 1 and 2 to cancel the Trust Deed dated 10.04.2024.

2.The petitioner claims that her husband, Aanimuthu is the hereditary poosari of Sri Vanikaruppasamy temple situated at Sivanankulam, Peramanur Post, Thirupuvanam Taluk, Sivagangai District. According to the petitioner, as her husband has gone abroad in connection with his vocation, she is taking care of the temple. She pleads that the third respondent, who is totally unconnected to the temple, registered a Trust under the name and style of “Arulmigu Sri Vanikaruppasamy Charitable Trust” and is illegally attempting to take possession of the temple.

3.She pleads that she gave a representation to the respondents 1 and 2 to cancel the registration done at the instance of the third

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respondent. The first respondent, on receipt of the representation, informed the petitioner that as constitutional validity of Section 77A of the Registration Act, 1908, is pending before the larger Bench of this Court, he will not take any action till an order is passed by the larger Bench. Aggrieved by the same, the present writ petition.

4. When the matter came up for admission, Mr.P.T.Thiraviyam, took notice for the respondents 1 and 2. Notice was issued to the third respondent. Mr.P.Arumugam has entered appearance for the third respondent.

5. I heard Mr.N.Jothivel, for the petitioner, Mr.P.T.Thiraviam, for the respondents 1 and 2 and Mr.P.Arumugam, for the third respondent. I have gone through the records.

6. The narration of the facts shows that the petitioner claims that the temple under the name and style of “Sri Vani Karuppasamy temple” belongs to her family. She apprehends that the third respondent, by registering a Trust under the name and style of “Arulmigu Sri Vanikaruppasamy Charitable Trust”, will stake a claim over the temple. Hence, she gave an application for cancellation of the



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registration.

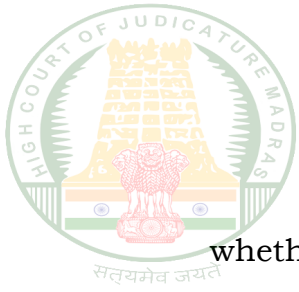
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7.Mr.N.Jothivel pleads that as the hereditary poosari of the temple, it is the petitioner's husband, Aanimuthu, who has rights over the temple and he has produced electricity receipts and other records in order to plead that it is the family of the petitioner, who has rights over the same.

8.*Per contra*, Mr.P.Arumugam states that Aanimuthu had collected money for performance of Kumbabishegam of the temple and had not accounted the same to the Trust. Hence, the third respondent has lodged a police complaint in CSR.No.18 of 2025 on 19.01.2025.

9.Mr.P.T.Thiraviyam states that Section 77A of the Registration Act, 1908, has been struck down by a Division Bench of this Court in ***M.Kathirvel Vs. the Inspector General of Registration and others, 2024(4) CTC 769.***

10.Whether the writ petitioner has right to control the temple by virtue of the fact that her husband is the hereditary poosari or



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whether the third respondent has right to control the temple by virtue of the registration of a charitable trust, cannot be gone into by the respondents 1 and 2. Furthermore, the respondents 1 and 2 have no jurisdiction to cancel the registration of a registered Trust. For the mere fact that a charitable trust has been registered in the name of “Arulmigu Sri Vanikaruppasamy Charitable Trust” does not mean that the control of the temple will automatically vest with the third respondent. As to who has control over the temple has to be decided only by the jurisdictional civil Court.

11.As rightly stated by Mr.P.T.Thiraviyam, as Section 77A of the Registration Act, 1908, has been struck down, the impugned order cannot be interfered with. Leaving it open to the parties to approach the jurisdictional civil Court to deal with their rights over the temple, the Writ Petition stands dismissed. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To

1.The District Registrar,

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Office of the District Registrar,
Thirupathur Road,
Sivagangai District.

2.The Sub Registrar,
Office of the Sub Registrar,
Thirupathur Road,
Sivagangai District.



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V. LAKSHMINARAYANAN, J.

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