



W.P(MD)No.24677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24677 of 2025

and

W.M.P(MD)No.19375 of 2025

F.Prince Vino

... Petitioner

Vs.

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

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

3.Prof.Dr.T.James Wilson

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, forbearing the



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respondents 1 and 2 from registering the document presented by the third respondent in pending document No.25 of 2025 dated 29.08.2025 unless until the said document is presented in accordance with law.

For Petitioner : Mr.S.Ramesh
For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 & R.2

Mr.A.V.Arun for R.3

ORDER

Heard both sides.

2.The case on hand pertains to the affairs of the Marthandam Educational and Charitable Trust.

3.The case of the writ petitioner is as follows:

The trust was formed in the year 2005. The writ petitioner was a member right from the inception. In the year 2017, the writ petitioner resigned from the trust. He was re-inducted as a trustee in the year 2024 vide Document No.19/2024. Under the very same document, the third respondent was also removed from the trust.

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4.The third respondent contests the said claim of the writ petitioner. According to the third respondent, the writ petitioner was removed from the trust in the year 2019. The third respondent has presented a deed of amendment before the registering authority. The registering authority declined to register the amendment. Challenging the same, the third respondent filed an appeal before the District Registrar, Kanyakumari. The appeal came to be dismissed. A further appeal was filed before the Inspector General of Registration.

5.In this background, the petitioner has filed this writ petition to forbear the registering authorities from registering the document presented by the third respondent herein which has been kept as a pending document (Document No.25 of 2025).

6.When the matter was taken up for hearing, the learned counsel appearing for the third respondent raised a primary objection. He contended that this writ petition itself is not maintainable. He pointed out that the petitioner himself has enclosed a copy of the order dated 29.08.2025 made in W.P No.31403 of 2025 in the typed set of papers.



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The said writ petition was filed by the third respondent representing the trust. The refusal check slip issued by the authorities was quashed in

W.P No.31403 of 2025 in the following terms:

“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 / 4 th respondent would submit that the 4 th respondent has not filed protest letter and sought liberty to file the same. It is open to the 4 th respondent to file its protest petition before the 3 rd 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.

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



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such re-presentation being made, the same would be registered, if it is otherwise in order.”

7.This submission of the learned counsel for the third respondent is undoubtedly sound and merits acceptance. However, I need to take note of one aspect. The cause of action arose entirely within the territorial jurisdiction of the Madurai Bench of the Madras High Court. The prayer in W.P No.31403 of 2025 reads as follows:

“**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.”

8.It is true that the third respondent herein had filed an appeal before the Inspector General of Registration. However, that was not part of the prayer in W.P No.31403 of 2025. The order was passed only on 28.08.2025. The writ petitioner herein who was impleaded *suo motu* as the fourth respondent in the said writ petition has 30 days time to prefer



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an appeal before the Hon'ble Division Bench raising the plea of want of territorial jurisdiction. The Hon'ble Full Bench in ***E.Mary Oliviya v. E.***

Jshoua Milton [2008 (7) MLJ 1012 had held as follows :

“(1) Establishment of a Permanent Bench has the effect of bifurcation of the State into two for the purpose of territorial jurisdiction of the Madras High Court between the Principal Bench at Chennai and the Permanent Bench at Madurai.

.....

(4) Writ petitions can be filed before the Principal Bench at Madras or Permanent Bench at Madurai depending upon the place where the cause of action has arisen. If the cause of action has arisen wholly within the jurisdiction of the Principal Bench or the Permanent Bench, obviously such writ petition can be filed only at the seat of the Principal Bench or of the Permanent Bench as the case may be. On the other hand, if the cause of action arises either wholly or in part within the areas allotted to the Principal Bench at Chennai and the Permanent Bench at Madurai, the writ petition can be filed at any of the places.”



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In ***B.Stalin vs. Registrar, Supreme Court of India (2012 SCC OnLine***

Mad 2397), the Hon'ble Full Bench of the Madras High Court held as follows :

“23. The Counsel for the Petitioner referred to several decisions to decide as what constitutes a "cause of action" in a particular case. But referring to those judgments is unnecessary as the purpose of the Full Bench is not to decide as to what is a "cause of action" in general terms, since no particular case is before this Court to analyse whether any case was entertained at the Principal Bench even though without any jurisdiction. The Writ Petition itself has been filed without giving details of any such cases so as to examine any particular case by this bench to decide whether jurisdiction was exercised improperly or not.

24. Even otherwise as averred in the Counter Affidavit filed by the Registry, cases were examined by the Appeal Examiners. In case of any doubt, the matters are brought to the notice of the concerned Judge holding a particular portfolio or the Roster to decide the question of maintainability either in the Chamber or in the open Court. If in any particular case, if the Court had upheld the maintainability of the Writ Petition or entertained the case, then the jurisdictional issue could be raised only



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before the necessary Appellate forum by the concerned aggrieved party as held by the Supreme Court in *Rajasthan High Court Advocates' Association v. Union of India and others*, MANU/SC/0827/2000 : 2001 (2) SCC 294 (cited supra). The aggrieved party in such a case is only the litigant before the Court. Issue relating to want of jurisdiction can be raised only before the next Appellate forum, (i.e., either before the Division Bench or before the Supreme Court as the case may be). Such orders cannot be attacked collaterally that too by third parties to the litigation.”

Therefore, the order made in WP No.31403 of 2025 cannot be collaterally impeached before me. The writ petitioner herein has to file an appeal before the Hon'ble Division Bench of the Principal Seat. This remedy is undoubtedly available to the writ petitioner. In fact, he has thirty days time. This remedy cannot be rendered infructuous by the authority by implementing the order of the court in the meanwhile. In fact, when a party secures an order from a court and if the opposite party (losing party) has right of appeal and he intends to avail the same, it would be appropriate for the authority to grant reasonable breathing time. I, therefore, restrain the second respondent from proceeding further in the matter till 06.10.2025. If the petitioner fails to obtain any interim order



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in the meanwhile before the Hon'ble Division Bench of the Principal Seat, the registering authority will have to necessarily act in terms of the order dated 28.08.2025 made in WP No.31403 of 2025. The merits of the matter have not been gone into. The only relief that has been given is breathing time for the writ petitioner to avail his legal remedy.

9.This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MGA

Note : Registry to mark a copy of this order to the Registrar (Judicial), Principal Seat, Madras.

To

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

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



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G.R.SWAMINATHAN, J.

MGA/skm

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