



W.P(MD)No.27086 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27086 of 2025

1.S.Kaja Mohideen
S/o.Seyyadu Jamaludeen,
The President,
A1- Hidhaya Educational Trust,
Door No.2/78/2 College Road,
Hyland Nagar, Elathur Post,
Senkottai Taluk, Tenkasi District,
Residing at Door No.43/7,
Chidambareswarar Kovil Street,
Tenkasi, Tenkasi District.

2.S.Jailance,
Secretary,
A1- Hidhaya Educational Trust,
Door No.2/78/2 College Road,
Hyland Nagar, Elathur Post,
Senkottai Taluk, Tenkasi District,
Residing at Door No.37/A,
Umar Farooq Street,
Tenkasi, Tenkasi District.

... Petitioners

Vs.

The Sub Registrar,
Senkottai Sub Registrar Office,
Senkottai,
Tenkasi District.

... Respondent



W.P(MD)No.27086 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal Check Slip issued by the Respondent vide RFL/Senkottai/37/2025 dated 03.09.2025 and quash the same as illegal and unconstitutional and consequently directing the respondent to register the Sale Deed presented by the petitioners in respect of the property comprised in S.No.661/1 Elathur Village, Senkottai Taluk, Tenkasi District, within the time stipulated by this Court.

For Petitioners : Mrs.N.Krishnaveni, Senior Counsel,
For Mr.P.Mahendran.

For Respondent : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The writ petitioners challenge the stand of the registering authority in declining to register the petition mentioned sale deed dated 03.09.2025. The sale transaction proposes conveyance of the petition mentioned property in favour of one Soundar Rajan and others.



W.P(MD)No.27086 of 2025

WEB COPY

3. There is no dispute that the property in question belongs to Al-Hidhaya Educational Trust, Tenkasi. The only doubt entertained by the registering authority is whether the trustees are competent to alienate the same.

4. The learned senior counsel for the writ petitioners draws my attention to clause 6 of the trust deed dated 22.02.2002. It categorically states that the board of trustees are empowered to convert the existing form of trust property into any other forms advantageous to the trust. From this clause, one can safely infer that the trustees are authorised to alienate the trust properties. Of course, the funds generated out of such sale cannot be appropriated by the trustees. The sale consideration would vest only in the trust and it is for the trustees to fulfil the objects of the trust. It is stated that at present, there are as many as 40 trustees. The learned senior counsel states that the decision to sell the property was unanimously taken. The trust deed is silent as to whether such a decision has to be unanimous. If the trust deed is silent, it can be safely concluded that the majority decision will prevail.



W.P.(MD)No.27086 of 2025

WEB COPY

5.The next question that calls for consideration is whether the all the trustees are the executants of the sale deed. It is submitted that the trustees have unanimously passed a resolution authorizing the writ petitioners herein to execute the sale deed. This is a factual aspect and the registering authority may satisfy himself that the sale deed has been duly executed. The registering authority can even call upon the trustees to appear before him in person or through video conferencing mode. The identity of the person will have to be certified by a lawyer who is practicing within the jurisdiction of the registering authority. The registering authority may even call upon the trustees to take out a paper publication in this regard.

6.My attention is drawn to the order dated 15.02.2023 made in W.P.(MD)No.29040 of 2022 (T.Kalliappan Vs. Sub Registrar, Keeranoor, Palani, Dindigul District). I had held therein that whether there is no prohibition against sale of trust properties, the registering authority cannot refuse to register a deed of conveyance. In the case on hand, not only there is no prohibition against sale of trust property but there is a



W.P(MD)No.27086 of 2025

definite clause authorizing the trustees to sell. I had observed that it would be in the fitness of things if Court's permission is obtained so that the property will fetch the maximum value. But I had also observed that it is a matter left to the wisdom of the trustees. If anybody makes any allegation in future, it is for the trustees to face the music.

7.The same approach was adopted by me vide order dated 06.10.2025 in W.P.(MD)No.21930 of 2025 (St.Joseph's Development Trust, Rep. by its Managing Trustee, Theni District. Vs. The District Registrar (Administration), Dindigul District).

8.Adopting the very same approach in the case on hand, I set aside the impugned refusal check slip. The writ petitioners are permitted to re-present the document before the respondent. The only task of the respondent is to ascertain who are the incumbent trustees. Once the registering authority is satisfied that the majority of the trustees have resolved to sell the property, then he cannot refuse to register the document. It is even open to the registering authority to call upon the trustees to cause suitable publication in the locality. In any event, a



W.P(MD)No.27086 of 2025

decision in the matter shall be taken finally within a period of four weeks. The registering authority will not mechanically relegate the writ petitioners to go before the jurisdictional Civil Court. Only if a triable issue has arisen or if there are rival claims regarding trusteeship, then alone the writ petitioners can be called upon to move the jurisdictional Civil Court and not otherwise.

9.This writ petition is allowed on these terms. No costs.

16.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 16.10.2025.

To:

The Sub Registrar,
Senkottai Sub Registrar Office,
Senkottai,
Tenkasi District.



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W.P(MD)No.27086 of 2025



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W.P(MD)No.27086 of 2025

G.R.SWAMINATHAN, J.

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W.P(MD)No.27086 of 2025

16.10.2025
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