

W.P.(MD)No.1067 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Orders reserved on : 28.04.2026

Orders pronounced on : **01.06.2026**

CORAM :

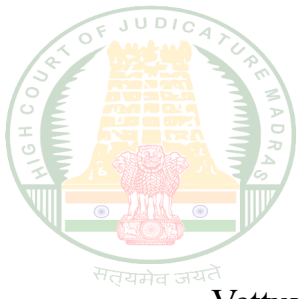
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.1067 of 2026
and W.M.P.(MD).No.828 of 2026

Prince Vino,
President, Marthandam Educational & Charitable Trust,
Marthandam College of Engineering,
Kittu Kuzhiviyanur post,
Kanyakumari district. .. Petitioner

Versus

1. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028,
Tamil Nadu.
2. The District Registrar,
Marthandam Registration District,
Integrated Complex,
Vettuvani, Marthandam Post,
Kanyakumari District.
3. The Joint Sub-Registrar-II,
Marthandam,
Integrated Complex,



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Vettuvani, Marthandam Post,
Kanyakumari District.

4. T.James Wilson .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order, dated 24.11.2025 passed by the 3rd respondent, in respect of the amendment deed presented by the 4th respondent, quash the same as illegal, arbitrary and without jurisdiction, and consequently forbear the respondents from acting upon or giving effect to the said registration, and further direct the respondents to maintain status quo as on date with respect to the administration, management and possession of Marthandam College of Engineering and Technology, pending disposal of the civil and appellate proceedings.

For Petitioner : Mr.R.Anand Padmanabhan,
Senior Counsel,
for Mr.M.Jegan

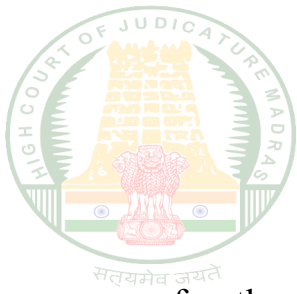
For Respondents : Mr.D.S.Nedunchezhan,
Government Advocate, for RR-1 to 3

: Mr.A.V.Arun, for R4

ORDER

A. The Prayer :-

This Writ Petition is filed to quash the impugned order dated 24.11.2025 passed by the third respondent in respect of the amendment deed presented by the

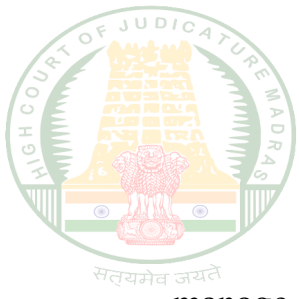


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fourth respondent, as illegal, arbitrary and without jurisdiction; consequently, to restrain the respondents from acting upon or giving effect to the said registration, and further to direct the respondents to maintain the status *quo* as on date with respect to the administration, management and possession of Marthandam College of Engineering and Technology, pending disposal of the civil and appellate proceedings.

B. The brief facts :-

2. The brief facts leading to the filing of this Writ Petition are that on 03.06.2005, one *N.Sridharan Dhas* and six others executed a deed of trust, registered as Doct.No.362/4 of 2005, on the file of the Joint Sub-Registrar-I, Nagercoil. The declarants did not expressly dedicate any immovable property. The trust has an initial fund of Rs.63,000/-. However, the document provides that membership of the trust will be open to any person interested in social service who contributes a sum of Rs.3,000/- or more. The trust is named Marthandam Educational and Charitable Trust. Provisions are made with reference to membership, transfer of membership, passing of membership after death to legal heirs, transfer by nomination, etc. An Executive Committee is established to



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manage the trust and its activities. A list of 21 members of the first Executive Committee is contained in the said document. The powers of the President, Vice-President, Secretary, Treasurer, etc., are mentioned. The purposes, including the establishment of educational institutions and the formation of the Student Admission Committee, Appointment Committee, and Purchase Committee, are all mentioned in the trust deed.

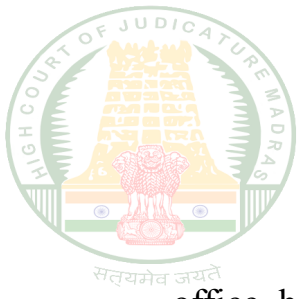
3. On 15.02.2024, the said *Sridharan Dhas* and four others, in the name of Marthandam Educational and Charitable Trust, claiming to be represented by the said *N.Sridharan Dhas* and four others, presented a document titled a deed of amendment, which contains recitals purporting to amend Clause-II of Rules and Regulations in Doct. No.362/4 of 2005 by deleting the original clause in its entirety and replacing it with a new clause. It also lists the names of 14 persons as Executive Committee Members and the office-bearers, namely President, Vice-President, Secretary, and Treasurer. The document was also accompanied by a copy of the minutes of the Special General Body Meeting. The same was registered as Doct.No.19 of 2024 by the Joint-II Sub-Registrar, Nagercoil.



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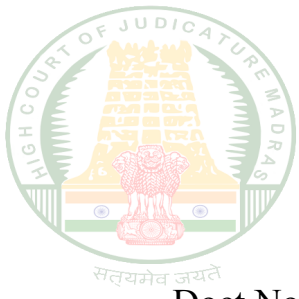
4. At this stage, on 24.09.2024, a suit was filed before the learned Subordinate Judge, Padmanabhapuram, in O.S.No.383 of 2024, again in the name of Marthandam College of Engineering and Technology, represented by its Chairman, *T.James Wilson*, the fourth respondent herein. The suit was brought against 11 persons as defendants. It proceeds as if the first defendant in the suit, *F.Prince Vino*, the petitioner herein, was a member of the trust, resigned from the trust by a letter dated 23.12.2016, and received back his membership amount of Rs.3,000/-. It further states that the defendant Nos.2 to 8 in the suit also submitted their resignations on 21.01.2017 and received back their membership amount. It further states that the defendant Nos.3 to 11 were members only until the date of submission of their resignations and receipt of their membership dues. Thereafter, they are again trying to interfere in the management of the affairs of the Educational Institutions by falsely proclaiming themselves as the office bearers and, therefore, the suit is filed for a permanent injunction restraining the defendants therein, or any person claiming through them, from trespassing in any manner into the schedule-mentioned properties, interfering in the day-to-day administration of the plaintiff college, and from trying to pose as the current



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office bearers and members of the trust and from trying to impersonate the plaintiff college, except by due process of law.

5. It is stated that initially, an order of interim injunction was also granted in I.A.No.1 of 2024 on 26.11.2024; however, the same was vacated on 04.01.2025, and presently, C.M.A.No.6 of 2025, filed against the order vacating the interim order, is pending before the learned Additional District Judge, Padmanabhapuram. In the meanwhile, the fourth respondent presented a document on 03.09.2025 before the Joint-II Sub-Registrar, Nagercoil. It was termed the Deed of Amendment (Marthandam Educational and Charitable Trust). It was presented by *T.James Wilson*, who termed himself the declarant. It claimed that by the 18th General Body Meeting held on 09.02.2025, he was empowered to present the amendment deed for registration. It stated that, as per the resolution dated 09.02.2025, the persons mentioned therein are the Executive Committee Members. It again deleted the amended paragraph No.9, inserted by the amendment deed of the year 2019, and replaced the same with a new paragraph No.9. It stated that two forged and fabricated amendment deeds, in the name of the trust created by resigned trustees, registered as Doct.No.19 of 2024 and



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Doct.No.83 of 2024, shall be null and void. When the said document was presented, an order dated 21.05.2025 issued a refusal cheque slip, refusing to register the amendment deed, since the documents contain a clause that nullifies the earlier registered document as null and void and, therefore, it cannot be registered.

6. Aggrieved by the same, the fourth respondent filed W.P.No.31403 of 2025 before this Court, as if he were representing Marthadam Educational and Charitable Trust as its President. By the order dated 28.08.2025, the Writ Petition was allowed, and it is essential to extract paragraphs 8 to 10 of the said judgment, which read as hereunder:-

“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.

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



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deed of amendment of the Trust and on such re-presentation being made, the same would be registered, if it is otherwise in order.”

(Emphasis supplied)

7. Aggrieved thereby, the present petitioner filed a Writ Appeal before an Hon'ble Division Bench of this Court in W.A.No.2844 of 2025 and the same was dismissed by the Hon'ble Division Bench by the judgment, dated 19.11.2025, thereby, confirming the order of the learned Single Judge and relevant portion of the judgment of the Hon'ble Division Bench in paragraph Nos.6, 7 and 8, are extracted hereunder for ready reference:-

“6. The sum and substance of the litigation between the parties is regarding the management of the Marthandam Educational and Charitable Trust and the deed of amendment presented by the Writ Petitioner need to be registered or not.

7. The learned single Judge, in his order, relying upon the judgment of this Court passed in *R.Ashokkan V. Sub-Registrar and another* reported in 2025 (1) CWC 692 has given liberty to the Writ Petitioner to re-present the deed of amendment of the Trust. Liberty was also given to the appellant herein to file a protest petition and if any such protest petition is submitted, the same would be considered on merits and in accordance with law.

8. The order passed by the learned single Judge neither suffers lack of jurisdiction nor lack of due consideration of merits. Hence, we find the Writ Appeal deserves to be dismissed and accordingly stands dismissed. No costs. Connected Miscellaneous Petition is also dismissed.”

(Emphasis supplied)



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8. Pursuant to the judgment of the Hon'ble Division Bench, a Protest Petition was submitted on 03.11.2025. Thereafter, considering the Protest Petition and considering the fact that there is no order of the Civil Court against the registration of the document in question, the deed of amendment presented by the fourth respondent, which is pending as P.25/2025, was ordered to be registered and registered as Doct.No.87 of 2025. The order further states that this Court in W.P.(MD).No.24677 of 2025 had ordered the registration of the document in the absence of any interim order from the Civil Court. Aggrieved thereby, the present Writ Petition is filed.

9. Meanwhile, in view of the judgment of the Hon'ble Division Bench in W.A.No.2844 of 2025, the writ petitioner also filed S.L.P.(C).No.2547 of 2026 before the Hon'ble Supreme Court of India. The Special Leave Petition was dismissed by the judgment dated 09.02.2026, subject to the observations contained therein. It is essential to extract paragraph Nos.4 to 7 of the said judgment of the Hon'ble Supreme Court of India, which read as under:-

“4. A Deed which altered the already registered deed was submitted for registration. The Registrar refused to register the same by observing that it altered the substance of the main Deed thereby making it *null*. The order of the Registrar refusing registration was subjected to a challenge before the learned single



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judge of the High Court which set aside the order of the Registrar with liberty to the writ appellant to re-present the document. Further, it was left open for the Registrar to refuse registration on grounds permissible in law.

5. Aggrieved by the order of the learned single judge, a writ appeal was filed which stood disposed of by the impugned order.

6. As the Division Bench has given right to the writ appellant to file a protest petition against the proposed presentation for registration and we are also informed that such protest petition was filed yet, the Registrar has passed an order of registration which has been subjected to a challenge in an independent proceeding, we decline to entertain these special leave petitions by leaving all contentions open for being raised in the proceedings initiated against the order of registration.”

(Emphasis Supplied)

C. The Arguments :-

10. *Mr.R.Anand Padmanabhan*, learned Senior Counsel for the petitioner, would contend that the impugned order was passed solely on the ground that, in the earlier round, this Court had positively directed the registration of the document. That finding is erroneous. The judgment ultimately directed that objections be filed and considered in accordance with law. Therefore, the Sub-Registrar, first, had a duty to consider the issue on merits, and thus the impugned order is liable to be quashed and the matter is liable to be remitted back to the file of the Sub-Registrar.



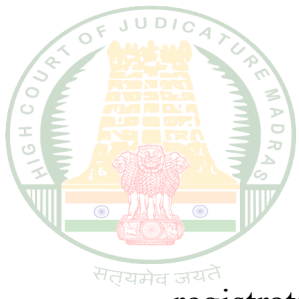
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11. The learned Senior Counsel would submit that the Sub-Registrar is empowered to refuse registration for any one of the grounds mentioned in Rule 55(a) to (c) of the Tamil Nadu Registration Rules. When the document is presented as if it is presented on behalf of the trust, under Rule 55(a), the Sub-Registrar ought to have held that the fourth respondent, who is already removed by the earlier deed, in the absence of any favourable order from the Civil Court, should not profess himself to be the Trustee or the Chairman of the trust and therefore, Rule 55(a) grants power to the Sub-Registrar to verify the same. Further, when the document reads as if it were presented on behalf of the trust and is presented by the fourth respondent as the representative of the trust, Rule 55(c) also empowers the Sub-Registrar to verify whether he has the right to act in that capacity. The learned Senior Counsel would place reliance on the judgment of the Hon'ble Supreme Court of India in *Asset Reconstruction Company (India) Limited Vs. S.P.Velayutham and Ors*¹.

12. *Mr.D.S.Nedunchezian*, learned Government Advocate for the respondent Nos.1 to 3, would submit that when the earlier order refusing

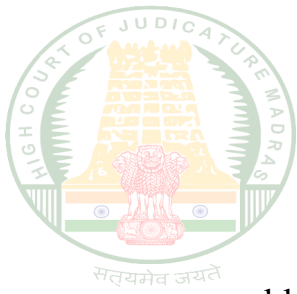
¹ (2022) 8 SCC 210



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registration was quashed and the matter was remanded with specific observations that the Sub-Registrar should not go into the validity of the document, then, in the absence of any further order of the Civil Court restraining the Sub-Registrar, the Sub-Registrar registered the document, and there is no illegality whatsoever with reference to the interim order.

13. *Mr.A.V.Arun*, learned Counsel for the fourth respondent, would submit that, as a matter of fact, the petitioner and others had earlier submitted voluntary resignations and are no longer part of the Marthandam Educational and Charitable Trust. The trust deed itself was amended in a high-handed manner by the amendments dated 15.02.2024 and 29.10.2024. The said two documents are *ab initio void*, and the present amendment only brings on record the actual position with reference to the trust. The parties are presently before the Civil Court, and, in the absence of any injunction restraining the fourth respondent from presenting such a deed, the Sub-Registrar has no option but to register the document. The powers of the Sub-Registrar to go into the capacity of the fourth respondent to present the deed of amendment or the validity of the resolution



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passed by the members are very limited, and he cannot pronounce on the validity or otherwise. In this regard, the learned Counsel would rely upon the judgment of this Court in *Subramani Vs. The Sub-Registrar, Office of the Sub-Registrar, Rasipuram and Anr*². The learned Counsel would also rely upon the judgments of the Hon'ble Supreme Court of India in *Satya Pal Anand Vs. State of Madhya Pradesh and Ors.*³ and *K.Gopi Vs. Sub-Registrar and Ors.*⁴.

D. The Findings :-

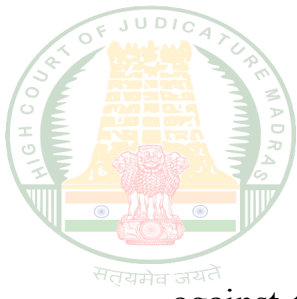
14. I have considered the rival submissions made on either side and perused the material records of the case.

15. As a matter of fact, with reference to the property and the right to administration, including who is entitled and who is not, the matter is *sub-judice* before the learned Subordinate Judge, Padmanabhapuram, in O.S.No.383 of 2024. The questions to be decided by the Civil Court are: what is the nature of the entity called Marthandam Educational and Charitable Trust; who is entitled to represent it and be in control of its properties; whether the earlier resignation alleged

² 2024 : MHC : 1920

³ (2016) 10 SCC 767

⁴ (2026) 2 SCC 696



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against the petitioner and others is correct; whether the resolutions pursuant to which the earlier amendments were registered on 15.02.2024 and 29.10.2024 are valid; and whether the subsequent resolution nullifying the earlier resolutions and reiterating the said amendments will have any effect at all and whether it is valid.

16. However, in the meantime, the parties have chosen to assert their positions also by presenting respective amendment deeds for registration and are simultaneously agitating the issue before this Court. With reference to the order impugned in the Writ Petition, it must be seen that when the deed of amendment was presented for registration on 24.02.2025, earlier, the same was refused to be registered by the order dated 21.05.2025. When the Court set aside the same, it specifically found that there is merit in the case of the submission made by the fourth respondent herein by holding that the registration authority cannot examine the validity of the document which was brought before it and it cannot examine the legality/validity of such clauses in the amendment deed. It also stated in paragraph No.9 that the objections shall be considered, and in paragraph No.10, ordered registration of the document, upon representation if it is otherwise in order. The same was also confirmed by the Hon'ble Division Bench on 19.11.2025.

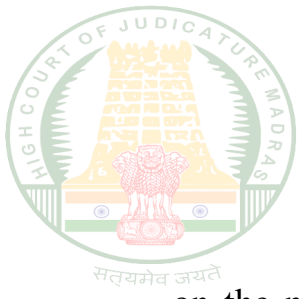


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17. A Protest Petition was filed, it was considered, and the impugned order, dated 24.11.2025, was passed after the pronouncement of the Hon'ble Division Bench. Upon consideration of the orders of the learned Single Judge and the orders of the Division Bench confirming the order of the learned Single Judge, the finding of the Sub-Registrar in the impugned order, as if the Court has also made a positive observation of registering the document in the absence of any interim order, restraining the Sub-Registrar, cannot be faulted. That is why the petitioner himself has further pursued the matter and by the judgment of the Hon'ble Supreme Court, dated 09.02.2026, extracted above, it can be seen that all the contentions are left open and therefore, ultimately, by the order, dated 09.02.2026, the observations made by the learned Single Judge, as if the Sub-Registrar cannot examine the validity of the document which was brought before him, cannot be said to have attained finality, but, all contentions are left open to be considered in the present proceedings. Therefore, notwithstanding any observations made, this Court has to consider whether the action of the Sub-Registrar in accepting the document for registration is valid or not and whether the Sub-Registrar ought to have refused the documents by conducting an enquiry

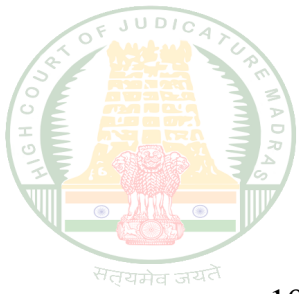
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on the merits of the claim made by the parties under Rule 55(a) and (c) of the Tamil Nadu Registration Rules.

18. In this regard, the offending deed of amendment shows the fourth respondent as the declarant. The fourth respondent appeared before the Sub-Registrar and admitted execution. In view of the same, the document could not have been refused under Rule 55(a) or (c). Further, the instant case is claimed to be a Charitable and Educational Trust, initially dedicated movable property valued at Rs.63,000/-. A trust is nothing but the trustees and is not an independent legal entity. In view thereof, there is no question of any deterring the power to represent or authorisation on behalf of the Trust. The question is pure and simple, namely, who are the trustees and which of the resolutions passed is valid. Thus, going by the dictum of the Hon'ble Supreme Court of India in *Asset Reconstruction Company (India) Limited* (cited *supra*), it is not confined to the process of registration or presentation of documents, but extends to the determination of facts such as resignation and a valid meeting as per the deed of trust.

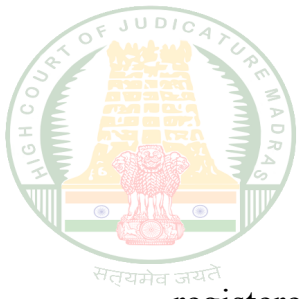


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19. Though the reasons contained in the impugned order can no more stand in view of the subsequent judgment of the Hon'ble Supreme Court of India, still, no useful purpose will be served by remanding the matter to the Sub-Registrar as the subject matter in question and the contention issues between the parties are to be determined by the Civil Court, before which, already, a suit is pending and cannot be deemed to be the matters falling with the registration process.

20. The core questions involved are the validity of the subsequent amendment deeds and, as per the deeds, who is entitled to act as trustees, more specifically, the Managing Committee, etc. The same is beyond the Sub-Registrar's jurisdiction. The observations of the Hon'ble Supreme Court of India in the case of ***K.Gopi*** (cited *supra*), though in the context of the transfer of property in paragraph No.19, have to be borne in mind by the Civil Court while deciding the issue, as it states that the registration of a document by itself will not have the effect of creating any rights that are otherwise not there. Therefore, if only the subsequent resolution passed by the members of the Board is found to be valid, the amendments or subsequent notification thereof shall have no effect. Merely because any of the four subsequent amendment deeds have been



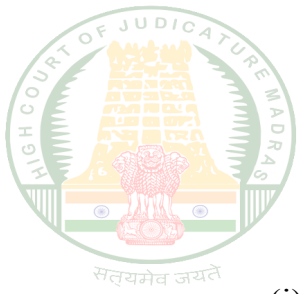
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registered, that by itself will not affect the parties one way or the other. It is for the parties to prove before the Civil Court, as on the date of the presentation of the document, whether a valid resolution was passed by the incumbent Trustees with due corum as per the original trust deed, and whether any changes have taken place in the constitution or the rules of the trust in accordance with law, and, in view thereof, whether the subsequent change can be held to be valid in law, and so on and so forth. Mere registration of these documents will not, by itself, create or vest any right on the parties with respect thereto, and it is for the Civil Court to consider the issue on its own merits and in accordance with law, by bearing in mind the observations made by the Hon'ble Supreme Court of India in paragraph No.19 in the case of *K.Gopi* (cited *supra*). As a matter of fact, in view of the present position, the parties can continue to register amendment deeds one after the other. That position has to be noted and appropriately considered in the pending CMA. In any event, the suit has to be expeditiously disposed of.

E. The Result :-

21. In view thereof, this Writ Petition is disposed of on the following terms:-



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(i) The impugned order, dated 24.11.2025, of the third respondent is not interfered with. However, it will be open for the parties to contest before the Civil Court as to the rules and bye-laws of the trust, if any and the validity of the subsequent amendments including the question as to who are the parties present and passing the resolution and as on date of the respective resolutions what was the rules/terms that was in force and as per the rule, whether the particular body is entitled to pass the resolution amending the earlier procedure or not etc.;

(ii) Mere registration of one amendment deed or the other will not by itself create any right for any of the parties;

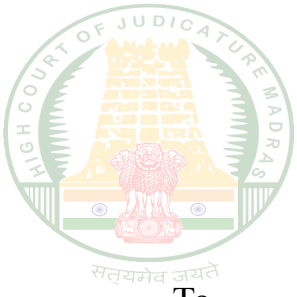
(iii) The learned Subordinate Judge, Padmanabhapuram, is requested to dispose of the suit in O.S.No.383 of 2024 as expeditiously as possible.

(iv) Similarly, the learned Additional District Judge, Padmanabhapuram, is requested to dispose of C.M.A.No.6 of 2025 as expeditiously as possible.

(v) There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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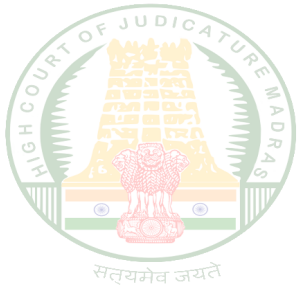
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To
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1. The Additional District Judge,
Padmanabhapuram.
2. The Subordinate Judge,
Padmanabhapuram.
3. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028,
Tamil Nadu.
4. The District Registrar,
Marthandam Registration District,
Integrated Complex,
Vettuvani, Marthandam Post,
Kanyakumari District.
5. The Joint Sub-Registrar-II,
Marthandam,
Integrated Complex,
Vettuvani, Marthandam Post,
Kanyakumari District.



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D.BHARATHA CHAKRAVARTHY, J.

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