

APPLICATION NOS.2940, 2941, 3192
AND 3740 TO 3743 OF 2016
IN C.S.NO.246 OF 1930

PUSHPA SATHYANARAYANA, J.

The above applications are filed seeking appointment of suitable, competent, eligible and right persons for appointment as Trustees of the first respondent Sangam, after considering the merits of the candidates. In all the above applications, different petitioners have aspired to become a Trustee of the first respondent Sangam and seeking for appointment of the same from this Court.

2. It is stated that a Scheme decree was framed in C.S.No.246 of 1930 for the due preservation, management and administration of Madambakkam Vasudeva Pillai's Trust, constituted by him, under his last will and testament dated 12.07.1909. A Scheme was framed by this Court on 16.02.1931.

3. As per Clause II of the Scheme, the Trust shall be supervised and its affairs shall be managed by a Board of five Trustees appointed by this Court, who shall hold office for a period of three years.

4. As per Clause IV of the Scheme, on the expiry of the period of office, the outgoing Trustees shall be eligible for reappointment.

5. Clause V of the Scheme prescribes the qualifications of the Trustees to be appointed. As per this Clause, no one shall be appointed as a Trustee (a) if he is not a Member of the Karuneegar Caste; (b) who is not a Hindu; (c) not below 25 years of age; (d) not an undischarged insolvent; (e) not a lunatic or suffering from such incurable diseases as unfits him for Trust activities; (f) if convicted for an offence involving moral turpitude; and (g) not employed at Madras or who does not reside either at Madras or at a place within 20 miles of it.

6. The above applications are filed by the applicants, who claim to have the norms prescribed above in Clause V of the Scheme and sought for the permission of this Court to be appointed as Trustees.

7. Clause XV of the Scheme reads as follows:

“In the event of a vacancy or vacancies arising in the office of the trustees for any reason whatsoever, the court

shall appoint other trustees on the application of the retiring trustees or the secretary for the time being of the Chennai Magana Karuneegar Sangam or any two members of the Karuneega Caste, notice shall go the Chennai Magana Karuneegar Sangam, if that body is in existence and its wishes considered. Each trustee shall held office for three years from the date of his appointment.

8. It is submitted in the affidavits that as per the above Clause, three vacancies have arisen in the office of the Trust due to the expiry of the tenure of three of the Trustees. As the above mentioned Scheme decree is concerned about the effective administration, maintenance and preservation of the Trust and to fulfill the aims and objects of the Trust, each one of the aspirants in their applications, have stated their qualification. As per Clause IV, even a outgoing Trustee is eligible for reappointment. The new Trustees may be appointed on the obligation of the retiring Trustee. Accordingly, A.No.3740 of 2016 is filed by one of the existing Trustees recommending three names for the post of Trustees, that are fell vacant now. Similarly, the applicants in other applications also have submitted their qualifications to serve as a Trustee.

9. As there are many aspirants for three posts, this Court had directed the learned counsel appearing for the Trust to compile the list of all the candidates with their respective qualifications and their eligibility. This exercise was done only at the instance of the Court for easy appreciation of the facts.

10. In all the applications, three persons are recommended. Only in A.No.2940 of 2016, two persons are recommended for the post of Trustees. Though the Scheme decree does not specifically mention about the educational qualification of the Trustees, the Scheme itself is aimed at due preservation, management and administration of the Trust. Hence, this Court is inclined to consider the merits of the proposed candidates before appointing them as Trustees.

11. Admittedly, the names recommended in each of the applications is only with the consent of the relevant candidate. Each one of them is qualified in their own way to be a Trustee. However, as only three vacancies are available, the most qualified, suitable, competent and eligible persons have to be chosen among the aspirants and appointed.

12. Accordingly, (1) Mr.Rama Kumara Velan, M.A., M.B.A., S/o. P.Ramachandran, No.248/11, Thiruveni Colony, Belly Area, Anna Nagar, Chennai- 600 040 (applicant under A.No.3743 of 2016); (2) Ms.S.Tamilvani, B.Com., FCA, D/o. Sundaramoorthy, No.32/57, Nallanna Mudali Street, Royapettai, Chennai - 600 014 (applicant under A.No.3742 of 2016); and (3) Mr.P.S.Madhivanan, B.Sc., M.A., S/o.P.Subramaniya Pillai, No.21, Raghava Street, Saroj Homes Apartments, Ground Floor, Gedrge Colony, T.V.K. Nagar, Chennai - 600 011 (applicant under A.No.3741 of 2016) are hereby appointed as Trustees of M/s.Madambakkam Vasudeva Pillai Trust, functioning at No.11/7, Sundaram Pillai Street, Purasaiwalkam, Chennai - 600 007, for a period of three years, from the date of their assuming charges.

13. The applications are disposed of accordingly. No costs.

23 / 08 / 2016

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