HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE G. SHYAM PRASAD

<u>Writ Petition No.26844 of 2016</u>

<u>ORDER</u>: (per V. Ramasubramanian, J.)

The petitioner, who claims to be the Founder Trustee and Managing Trustee of a Public Charitable Trust, has come up with the present writ petition seeking a mandamus directing the Income Tax Authorities to take action on her complaint against the 4th respondent, who allegedly came in as a Chief Executive Officer and usurped the powers of the Managing Trustee.

2. Heard Mr. V.V.N. Narayana Rao, learned counsel for the petitioner, Mr. J.V. Prasad, learned standing counsel for the 2nd respondent-Income Tax Department and Mr. G. Subba Rao, learned counsel for the 3rd respondent and Ms. S. Pranathi, learned counsel for the 4th respondent.

3. The dispute virtually appears to be between the petitioner and the 4th respondent about the control over the 3rd respondent Public Charitable Trust. Admittedly, there are civil proceedings pending under Section 92 of the Code of Civil Procedure and other provisions.

4. On a complaint given by a Founder Trustee against a Co-Trustee of Public Charitable Trust, the only exercise that the Income Tax department can do if they find the complaint to be true, is to cancel the registration under Section 12 A of the Income Tax Act. We think all litigations in all courts will come to an end the moment the Income Tax Department takes appropriate action. But no mandamus can be issued to settle the private scores when civil litigations are pending before the other forums. More over, a Founder Trustee cannot seek a mandamus to cancel the registration of the Trust, and hence, the prayer sought for by the petitioner in her own interest is rejected.

Accordingly, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 02-11-2016

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