

**A.Nos.1695 to 1698 of 2017
and A.No.1875 of 2017
in
C.S.No.246 of 1930**

P.KALAIYARASAN, J

These five applications have been filed for appointment of one Trustee for Maadambakkam Vasudeva Pillai Trust which fell vacant on 12.02.2017 after completion of tenure by one of the Trustees.

2. Maadampakkam Vasudeva Pillai Trust was founded by one Vasudeva Pillai. A Scheme decree was passed by this Court in C.S.No.246 of 1930 on 11.02.1931.

3. Clause XV of the Scheme decree 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 any one of the remaining trustees or 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 to the Chennai Magana Karuneega Sangam, if that body is in existence and its wishes considered. Each Trustee shall hold office for three years from the date of his

appointment."

4. Further Clause V of the Scheme decree as to the appointment of a Trustee reads thus :

"No one shall be appointed as a Trustee (1) who is not a member of the Karuneegar caste (2) who is not a Hindu, (3) who is under 25 years, (4) who is an undischarged insolvent, (5) who is a lunatic or suffering from such incurable disease as unfits him for work, (6) who has been convicted of an offence involving moral turpitude, (7) who is not employed at Madras or who does not reside either at Madras or at a place within 20 miles of it."

5. In the present five applications, 5 persons, namely (1) Thiru.K.Rajasekar, S/o. Thiru.R.C.Krishnamoorthy, (2) Thiru.G.Ranganatha, S/o. Thiru.Govindasamy Pillai, (3) Thiru.K.G.Soundarapandian, S/o. Thiru.K.G.Chinnasamy, (4) Thiru.T.S.Kannan, S/o. Thiru.T.P.Sivashanmugam and (5) Thiru.R.Mohanasundaran, S/o. A.Rajagopalan have been recommended by the applicants including the Chennai Magana Karuneegar Sangam.

6. Learned counsel appearing for the Chennai Magana Karuneegar Sangam in A.No.1696 of 2017 brought to the notice of this Court to Clause XV of the Scheme decree as to the

consideration of the wishes of the Sangam while appointing a Trustee.

7. As far as Clause XV of the Scheme, notice shall go to the Chennai Magana Karuneegar Sangam if that body is in existence and its wishes considered. Chennai Magana Karuneegar Sangam is no doubt before this Court recommending Thiru.K.G.Soundarapandian, S/o. K.G.Chinnasamy for the post. No doubt the wishes of the Sangam is to be considered for the appointment of a Trustee and the ultimate object is to select a right person for the post.

8. Among the above said five persons, Thiru.K.Rajasekar, aged 61 years was working at Southern Railway as Clerk and his vast official experience and knowledge will be more helpful for the Trust.

9. Thiru.G.Ranganatha, aged 64 years was working as Sub-Inspector in Survey Department and after his retirement, he serves the community.

10. Thiru.K.G.Soundarapandian recommended by the above sangam is aged 67 years. He was working as Vice Principal, Krishnaswamy Senior Secondary School, Chennai and after his

retirement he is devoting his whole time to the upliftment of the community people. He is qualified M.A.B.Ed., and he served as a Trustee from 2013 to 2015 and his service as a Trustee was appreciated by the community people.

11. Thiru.T.S.Kannan, aged about 50 years qualified B.Tech Chemical Engineering is working as Assistant Manager (Production) in a private concern, Sriperumbudur. He devotes his time to the upliftment of people. He also takes free tuition.

12. Mr.R.Mohanasundaram, aged 64 years is a Post-Graduate. He has the experience of working as Assistant in Treasury and Accounts Department being selected by the Tamil Nadu Public Service Commission. He served as Superintendent, Tamil University, Thanjavur, then Superintendent, Special Grade at Salem Co-operative Sugar Mills Polytechnic College, Mohanur. He was nominated as Observer in the World Classical Tamil Conference held in Coimbatore in 2010. He was conferred the title as Vazhum Valluva Selvar at World Thirukkural Centre, Valluvarkottam, Chennai and he was awarded Senior Tamil Scholar by the Tamil Development Department. He also served as Secretary, Pupils Literary Association. He is member of Anna Nagar Tamil Sangam, Chennai. He was nominated as a delegate at the First Asian Vallalar

Seminar in 2015 and International Conference on Vallalar on 04/05.02.2017 held at Chidambaram.

13. Chennai Magana Karuneegar Sangan filed counter in all these applications and it objected for appointment of Thiru.R.Mohanasundaram mainly on the ground that R.Mohanasundaram is a permanent resident of Mohanur village, Namakkal District as per the Ration card and Voter ID and he is not a permanent resident of Chennai as stipulated in Clause V of the Scheme decree.

14. A perusal of Bio-Data of Thiru.R.Mohanasundaram on the typed set disclose that he resides in Shenoy Nagar, Chennai. For this copy of the Bank Passbook, Aadhaar Card, Gas connection receipt have been filed. As per Clause V (7) of the Scheme decree, no one shall be appointed as a Trustee who is not employed at Madras or who does not reside either at Madras or at a place within 20 miles of it. Since there are documents to show that Thiru.R.Mohanasundaram is residing at Chennai, the above Clause of the scheme decree is not an embargo.

15. This Court perused the Bio-Data of all the five persons recommended in all the above said applications. During arguments the proposal of K.Rajasekar was given up. Among the other four,

Thiru.K.G.Soundarapandian already served as a Trustee of the Trust. He is well experienced and qualified person for re-appointment. But R.Mohanasundaram has been recommended by two Senior citizens, who held good position in the Government. Mr.S.Meikandan, I.A.S (Retd), Former Special Commissioner and Secretary to Government and Mr.Nagarajan, Deputy Director of Small Savings (Retd) have recommended Mr.R.Mohanasundaram.

16. As already pointed out Mr.R.Mohanasundaram is 64 years old and he was working in the Treasury in the Accounts Department and he served as Superintendent, Tamil University, Thanjavur and Superintendent, Special Grade at Salem Co-operative Sugar Mills Polytechnic College, Mohanur. He is active and participating in so many Pattimandrams and Seminars. He is also spiritually associated with Vallalar Sanmarga Sangam and he has been nominated for the seminar and conferences on Vallalar.

17. The above two scholar persons affirm in their affidavit about the character, integrity and past service to the society of Mohanasundaram. Instead of re-appointing a person already served as a Trustee, a person like this if appointed will no doubt be beneficial to the Trust.

18. With respect to Thiru.T.S.Kannan, he is aged 50 years and serving as Assistant Manager in a private concern at Sriperumbudur. Sparing time to look after the work of the Trust may be difficult for him. As far as Thiru.Ranganatha is concerned, he is retired Sub-Inspector in Survey Department and nothing more is stated about him in his profile. Therefore, this Court is of the considered view that Thiru.R.Mohanasundaram is to be appointed as a Trustee.

Accordingly, Thiru.R.Mohanasundaram, S/o.A.Rajagopalan, residing at No.22/13, Third Cross Street, Shenoy Nagar, Chennai - 600 030 is hereby appointed as Trustee 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 his assuming charges.

In fine, A.No.1875 of 2017 is allowed. A.Nos.1695 to 1698 of 2017 are dismissed. No costs.

05-06-2017

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P.KALAIYARASAN, J

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