

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 3RD DAY OF MARCH 2017

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.Nos.969 and 970 of 2017

in
C.S.No.85 of 1956

1. Sriperumbudur Sri Ethiraja Jeer Mutt
Sishya Sangham by its Secretary
No.41, Anna Pillai Street, George Town, Madras
2. M.V.Narasimhulu Naidu
residing at No.11, Chinnathambi Mudali Street,
George Town, Madras
3. T.Thiruvenkata Ramanuja Dasar
residing at No.3/4, Nallanna Mudali Street,
George Town, Madras
4. G.Parthasarathy on behalf of them-
Selves and all other disciples of Sriperumbudur Sri
Ethiraja Jeer Mutt
residing at No.27, Tandavaraya Pillai Street,
G.T.Madras.

...Plaintiffs

Vs

1. Thirumeyyam Thgiruvengada Ramanuja Jeer
residing at Vanamamalai Mutt,
East Tank Square, Triplicane, Madras
2. Venkatalakshmiammal
residing at No.152, Govindappa naicken Street,
George Town, Madras.
3. Thirumalai Ammal
residing at Sannidh Street,
Sriperumbudur
4. Ramanujachari, minor aged about 5 years
residing with and under the protection of 3rd Defendant
residing at Sannadhi Street,
Sripermabudur.

...Defendant

A.Nos.969 & 970 of 2017:-

1. Madhusudhana Ramanuja Dasan
S/o. Mr.Venkateswarulu
119 Gandhi Road
Sriperumbudur

2. Mr.Yuvaram Ramanuja Dasan @ V.K.Rajkiran
S/o. Mr.V.Kesava Narayanana
36 Pillai Mari East Street
Perumalpatty
Srivilliputtur

....Applicant/3rd Parties

VS

1. Sri Ethiraja Jeeyar Madam
rep.by its 21st Madathipathy
Sri.Govinda Ethiraja Jeeyar
No.26, Sannadhi Street,

2. Sri Sriperumbudur Sri Ethiraja jeeyar
Mutt Sishya Sangam,
4/29 Pari Nagar 2nd Street, Menambedu
Ambattur, Chennai 600 053

3. Sri Sriperambudur Ethiraja Jeeyar
Mlutt Sishya Kuzham,
Represented by its Secretary,
No.43, Subbarayan 5th Street,
Nammalvarpet,
Chennai 600 011.

4. State Bank of India
Sriperambudur Branch.
Sriperambudur.

..Respondents

A.No.969 of 2012

Application praying that this Hon'ble Court be pleased to issue appropriate directions to the 4th Respondent, permitting either the 1st Respondent or the 2nd Respondent to operate the account No.0100050223, including the Fixed Deposits bearing Nos.30181033999 and 305554984488 all with the State bank of India, Sriperambudur Branch, the 4th Respondent herein.

A.No.970 of 2012

Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the 3rd Respondent from interfering with the day to day management, functioning and running of the 2nd Respondent Mutt

These Applications coming on this day before this court for hearing the court made the following order:

Both the applications are filed by the 3rd parties to issue appropriate direction to the 4th respondent permitting either the 1st respondent or 2nd respondent to operate the Account No.0100050223 including the Fixed Deposits bearing Nos.30181033999 and 305554984488 all with the State Bank of India, Sriperambudur Branch/4th respondent and to grant an interim injunction restraining the 3rd respondent from interfering with the day to day management, functioning and running of the 2nd respondent mutt.

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2. The applicants are the disciple members of the 2nd respondent/Sri Sriperambadur Sri Ethiraja Jeeyar Mutt, Sishya Sangam, as per Clause 15 of the scheme decree dated 24.01.1961, the applicants filed the present applications. There are several differences of opinion amongst the

respondents which resulted in lot of inconveniences and hardship, as a result, the dispute between the then Madatipathy/Sri V.Ethiraja Jeeyar and the second respondent. The then Madathipathy instigated formation of Sri Sriperambadur Sri Ethiraja Jeeyar Mutt, Sishya Kuzham was formed in the year 1994 for his convenience and the dispute resulted in litigation. With regard to the Sri Sriperambudur Sri Ethiraa Jeeyar Mutt Sishya Sangam have been in existence from 1953 and the plaintiff in the scheme suit is carrying out the various objects of the Mutt. Initially, the 3rd respondent started to interfere with the day to day affairs and administration of the Mutt, as a result, there has been total chaos and confusion, resulting in serious prejudice and hardships to the interested parties and also smooth functioning of the Mutt and its activities. The 3rd respondent/Sishya Kuzham moved Application Nos.4412 to 4415 of 1998 seeking various injunctions and interim orders, the said applications are dismissed as not pressed on 31.08.2006. The 3rd respondent has no locus standi to interfere with the Mutt affairs. Apart from the above there are some other litigations between the respondents and the Mutt. In view of the same, the State Bank of India, Sriperambudur has stopped permitting the Jeeyar from operating the bank account and

frozen the account in view of the decree passed in OS.No.342 of 2010, as a result of which the day to day affairs of the Mutt has been seriously affected and jeopardized, the activities of the Mutt have come to a complete stand still and grinding halt. The scheme decree also empowers any two of the disciples of the Sishya Sangam to appear before this Court to seek appropriate directions.

3. The second respondent/Sri Sriperambudur Sri Ethiraja Jeeyar Mutt, Sishya Sangam has been effectively managing the Mutt for the past several decades has now hit upon road blocks, since, the registration papers pertaining to its society are not available with the concerned authorities. As a result of which, the second respondent is unable to renew its registration by payment of necessary fees. Even though they are ready to do so and in view of the same, they are unable to move to this Court for necessary directions, to carryout the day to day activities of the Mutt. The applicants have filed these applications for issuance of direction to the 4th respondent/State Bank of India, with regard to operation of the Bank account either by the 1st respondent or by the second respondent, which has been the usual practice for all these years and also for an injunction restraining the 3rd respondent from

interfering with the day to day management of the second respondent.

4. The averments made in the counter filed by the second respondent is that the present association is the legal entity and interested person in the affairs of the mutt, during 1996, the Association alone moved this Court and obtained an order that the Madathipathy should not spent more than Rs.125/- for the maintenance of Thirumani Ammal, the widow of Last Jeeyar. This respondents association alone moved this Court for rendition of account of the earlier Madathipathy, the earlier Madathipathy has no respect for the traditions of the Mutt has encouraged the formation of Sishyam Kuzham which is the tool of the earlier Madathipathy and destroyed the roots of the Mutt. The disruptions caused by the rival society, the respondent is not able to enter the mutt. In order to gain legal sanctity, the Sishya Kuzham has filed four original applications 4412 to 4415 of 1998 in CS.85 of 1956 for the substitution of Sishya Kuzham in the place of Sishya Sangam with untenable allegations. This Court has ordered notice to Sishya Sangam, Sishya Kuzham has withdrawn all the petitions and they were dismissed by this Court on 31.08.2006. Thereby, the rights of the Sishya Kuzham has vanished already. The respondent submits that the

respondent is always ready and willing to go by the provisions of the scheme in the suit and prays for necessary directions be issued by this Court.

5. Heard the rival submissions made on both sides and perused the records.

6. The learned counsel for the applicant would submit that the present applicants are disciple members of the second respondent/Sri Sriperambudur Sri Ethiraja Jeeyar Mutt, Sishya Sangam. As per Clause 15 of the decree, the applicants are filing the present applications seeking necessary directions with regard to the scheme decree passed by this Court in the above suit on 24.01.1961. The scheme decree also empowers any two of the disciples of the Sishya Sangam to appear before this Court to seek appropriate directions. The day to day activities of the Mutt has come to complete stand still and the second respondent is unable to move this Court for necessary directions, to ensure the day to day activities of the Mutt are effectively carried out, the present applicants have filed these applications for issuance of directions to the fourth respondent/State Bank of India, Sriperumbudur branch, with regard to the operation of the Bank account either by the 1st respondent or by the 2nd respondent.

7. The learned counsel for the respondents would submit that the second respondent is always ready and willing to go by the provisions of the scheme in the suit and necessary directions shall be issued by this Court.

8. On perusal of the scheme decree passed by this Court on 24.01.1961, clause 15 of the scheme decree reads as follows :-

15. The Madathipathy of any two members of the council of the Sishya Sangam or any two disciple-members of the sishya sangam shall have liberty to apply in the above suit for declaration with regard to the working of this scheme.

9. The respondents have not denied that these applicants are not members of the council of the Sishya Sangam, since the accounts has been freezed, the day to day activities of the Mutt has been affected. The respondent have made allegations only against the earlier Madathipathy, but not against the present Madathipathy. Therefore, this Court is inclined to allow these applications and direct the 4th respondent/State Bank of India, Sriperumbudur Branch to permit the first respondent to operate the account No.0100050223 including the Fixed

Deposits bearing Nos.30181033999 and 305554984488. The first respondent is directed to submit a report before this Court periodically, provided once in six months, without fail.

10. With the above terms, both the applications are allowed.

sd/.P.V.M.J
03.03.2017

//Certified to be a true copy//

Dated this the day of 2017

R.s/09.03.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

सत्यमेव जयते

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