



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

CRP(MD)No.977 of 2020

& CMP(MD)Nos.6415 and 2020

WEB COPY

1.Sri Rao Bahadur A.K.D.Dharmaraja
Education Charity Trust Rajapalayam
Represented by its Managing Trustee
A.A.S.Shyam

2.A.A.S.Shyam

...Petitioners/Petitioners/Nil

Vs.

1.R.Renganatha Raja

2.A.K.D.Krishnama Raja

...Respondents/Respondents/Nil

3.A.K.D.Venkatramana Raja

4.A.G.Balarama Raja

5.The District Collector,
Virudhunagar District,
Virudhunagar

6.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam
Virudhunagar District.

7.Dr.D.Rajasekhar M.D.,

8.N.M.Radhakrishna Raja

9.A.R.Dasaratha Raja

... Respondents 3 to 9/
Respondents 3 to 9/Nil

PRAYER: The Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decretal order dated 11.11.2020 made in I.A.No.2 of 2020 in O.S.No.7 of 1953 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur.

For Petitioners : Mr.S.Srinivasa Raghavan
For Respondents : Mr.A.Sivaji



ORDER

The present petition is preferred by the outgoing Trustees of Sri Rao Bahadur A.K.D.Dharmaraja, Education Charity Trust Rajapalayam.

2. The Scheme decree came to be passed in the administration of the Trust in CSA No.42 of 1961. As per the scheme, the District Collector is also constituted as Ex-Officio Trustee. As per Clause-31 of the Scheme, the outgoing trustee shall hand over the charges to the District Collector from whom, the successor trustees take charge. It may be relevant to mention here that there are five families, who have right to administer the Trust in turn. However, the process of handing over the charge in terms of Clause-31 of the scheme has to be routed through the District Collector. Presently, the term of the outgoing trustees, who are the revision petitioners herein, has ended. Since these are pandemic days, the outgoing trustees seek extension of time to be in office till the end of the academic year (since the Trust is the Educational Trust) for the purpose of providing certain continuity of the schemes. He therefore, moved the Scheme Court (Principal District and Sessions Court, Virudhunagr at Srivilliputhur) in I.A.2 of 2020, but citing and relying on Clause-31 of the Scheme, the learned Principal District and Sessions Judge rejected the prayer to be in office.

3. Heard Mr.S.Srinivasa Raghavan, learned counsel for the revision petitioners, who explained that the Managing Trustee presently in office cannot honour few outstanding bills due to the Covid times, this apart, if the charges were to be handed over to the District Collector, the continuity in the correspondence with educational authorities may get disrupted. Hence, he puts forth the interest of the Schools coupled with the difficulties created in these pandemic days as a reason to justify his prayer for staying in office beyond the term. He also invoked Clause-30 to support his claim.

4. Mr.A.Sivaji, learned counsel appearing for the ninth respondent, who will be the successor in office, argued that in terms of the scheme, for a smooth handing over and taking over of office, the institution of District Collector as an Ex-Officio Trustee of the School is contemplated in Clause-31. He also added that the District Collector has issued necessary notice for the said purpose.

5. This Court carefully perused Clauses-30 and 31. Clause 30 in essence has empowered the Principal District and Sessions Judge to give such directions to the trustees for the smooth working under scheme of the Trust. This is a residual power, which the Scheme Court has vested itself with.

6. So far as Clause-31 is concerned, it does not on its face make any provision for extending the term of the office to any of the trustees for the time being beyond the term stipulated for the



purpose. As per the authority in **M.Ranganatha Thathachariyar Vs. Krishnaswami Thathachariyar and others** [AIR 1924 Madras 369] a scheme has to be interpreted like a statute and therefore, this Court cannot interfere with the working of the scheme.

7. Therefore, this Court does not find any impropriety or illegality in the order of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur.

8. Having stated thus, the learned counsel for the revision petitioners continues to insist that bills outstanding have to be honoured by the successors in Trust. This court now directs the revision petitioners to hand over all these bills to the District Collector. The successor trustees may have to take a call on the same within a period of one month from taking charge. If at all, any dispute arises between the outgoing trustees and incoming trustees in this regard, then, in terms of Clause-30 of the trustee, it will be an aspect that will touch upon the working of the Trust. Therefore, the Scheme Court can decide the issue. In that eventuality, the Scheme Court may decide the issue within a period of three months from the date on which the dispute is placed before the Court.

9. Subject to the above observations, this Civil Revision Petition is dismissed. Since the District Collector has already issued notice, the petitioner shall hand over charge to the District Collector latest by **(*)28.12.2020**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

**(*)Corrected vide order dated 21.12.2020
made in CRP(MD).977 of 2020**

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM

To

(*)to be substituted the order already despatched on 11/12/2020

1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

2.The District Collector, Virudhunagar District, Virudhunagar.



3.The Municipal Commissioner,
Rajapalayam Municipality,Rajapalayam,Virudhunagar District.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-24526[F] dated
09/12/2020)

+2 CC to M/s.A.SIVAJI, Advocate (SR-24583[F] dated 09/12/2020)

C.R.P. (MD) No.977 of 2020

08.12.2020

NS (CO)

AP (11/12/2020) 4P 7C

TR (22/12/2020) 4P 7C