

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 13.04.2022
Orders Pronounced on : 10.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cont.P.No.143 of 2016

Mamandur M.K.Viswanathan
Life Member & Liaison Officer,
Tamil Nadu Arya Vysya Maha Sabha,
Madras District Unit,
New No.162 (Old No.164),
Govindappa Naicken Street,
Chennai – 600 001.

.. Petitioner

Vs.

K.Hamanath
Secretary,
Pachiyappas Trust Board,
Pachiyappas College Campus,
EVR Periyar High Road,
Chennai – 600 030.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for contempt and wilful disobedience of the order dated 23.01.2015 in A.No.5339 of 2014 in O.P.No.109 of 1942.

For Petitioner : Ms.L.Parvin Banu
For Respondent : Mr.M.Devendran
For AG & OT : Mr.A.C.Kumaragurubaran

ORDER

This contempt petition has been filed by the petitioner seeking to punish the respondent for disobedience of the order of this Court dated 23.01.2015 passed in A.No.5339 of 2014 in O.P.No.109 of 1942.

2.The learned counsel for the petitioner submitted that this Court by order dated 23.01.2015 directed the learned Administrator General and Official Trustee of Tamil Nadu [hereinafter referred to as 'A.G. & O.T' for the sake of convenience] to scrutinize the applications of the students for grant of scholarship for the subsequent years and sanction the scholarship to the eligible students for the year 2013-2014, within a period of three weeks from the date of receipt of a copy of the order and also directed the Pachaiyappa's Trust to get permission to effect publication for every year for sanction of scholarship to new students, immediately after the admissions are over in professional colleges. The learned A.G. & O.T was also directed to pay the amount for publication to be made in future. However, the respondent/Trust Board has not complied with the said order and hence, according to the petitioner, the respondent/contemnor is to be punished.

3.The Secretary of Pachaiyappa's Trust, namely C.Duraikannu has filed an affidavit dated 07.04.2022, stating that, as per the direction of this Court, dated

23.01.2015 in A.No.5339 of 2014 in O.P.No.109 of 1942, paper publication has been effected in Tamil Daily and applications were received from the Arya Vysya students studying in the State of Tamil Nadu. Thereafter, the amount of scholarship to be disbursed to them has been arrived at and the same has been informed to the learned AG & OT. The learned AG & OT, in turn, had sent a cheque for Rs.17,85,080/-. On receipt of the same, the Trust had disbursed scholarship to 31 students on 11.01.2016. After disbursement of scholarship to the students, a sum of Rs.40,000/- was undisbursed, due to the fact that, the student one K.S.Prasad did not come and receive the scholarship amount and thereafter, the said amount was sent back to the learned A.G & O.T. It is further stated that for the subsequent years, the Trust Board has been disbursing the scholarship amount, after effected paper publication and hence, the order of this Court has been complied with by the Trust Board.

4. Further, the Secretary of the Trust has also filed a report dated 12.04.2022 and the relevant paragraphs therein are extracted here under :

"...3.The Secretary of the 2nd Respondent further states that pursuance to the order of this Hon'ble Court dated 23.01.2015 in A.No.5339 of 2014, the Trust Board had effected paper publication in Tamil daily, Applications were received from Vysia students thereafter after receipt of the cheque for

Rs.17,85,080/- from AG & OT scholarships were disbursed to the Vysia students for the years 2013-2014.

4.The Secretary of the second Respondent further states during that period the Trust Board also filed the application No.2035/2016 and 2036/2016 directing the AG & OT to render the accounts of the Estate of the testator and handover the surplus funds year after year for the purpose of providing scholarship to poor Vysia students as per clause 15 of the Will of the Testator. The said applications were closed by this Hon'ble Court on 25.04.2018.

5. The Secretary of the 2nd Respondent further states since the said two applications came to dispose of in the year 2018, the Trust Board has not disbursed scholarships for two academic years 2014-15 and 2015-16. The reason for not disbursing scholarship for those two academic year is not willful disobedience of the orders of this Court, but due to the pendency of the said applications.

6.The Secretary of 2nd Respondent submits that for the subsequent academic years, the scholarship for poor Vysia students were paid after duly effected paper publication in Tamil daily, invited applications from Vysia students and after scrutiny of those applications by AG & OT, the scholarships were disbursed from 2016-17, 2017-18, 2018-19, 2019-20, 2020-21. Following are the details :

Academic year	Date of paper publication	No.of eligible students	Amount
2016-17	31.7.2016	64	Rs.23,82,865/-
2017-18	31.12.2017		
2018-19 & 2019-20	13.10.2020 1.12.2020	35	Rs.24,66,939/-
2020-21	1.12.2020	51	Rs.30,96,535/-

For 2021-22 paper publication is effected. Scholarships to be disbursed is in process.

7.The Secretary of the 2nd Respondent humbly submits that the order dated 23.1.2015 in Application No.5339/2015 has been complied with and for the subsequent years disbursement of scholarship was also duly made except for the two academic years 2014-15, 2015-16 due to the reasons that certain applications were pending before this Hon'ble Court."

5. Heard the learned counsel on either side and perused the materials available on record.

6. A reading of the said affidavit and the said report clearly shows that as per the order of this Court dated 23.1.2015 in A.No.5339 of 2015, paper publication has been effected and suitable students were selected and scholarship had been disbursed to the students till date, except for two academic years 2014-15 and 2015-16. Further, as per paragraph No.7 of the said report, the Trust Board had admitted that due to the reasons specified therein, the Trust Board has not disbursed scholarship for the years 2014-15 and 2015-16, which clearly shows that the Trust has violated the conditions for the year 2014-15 and 2015-16. Therefore, the respondent had committed contempt of the Court. However, it is

seen that now the present Secretary of Pachaiyappa's Trust has taken charge. Further, from paragraph No.6 of the said report, it is clear that the respondent had complied with disbursement of amount for the academic year 2016-17 onwards to till date. Hence, the respondent/Trust Board is directed to verify as to how many applications are received for the academic years 2014-15 and 2015-16 and immediately scrutinize the applications of the students and sanction necessary scholarship to the eligible students based on the order of this Court dated 23.01.2015 and file a report before this Court within two months from the date of this order, failing which, C.Duraikannu, Secretary of Pachaiyappa's Trust, who filed the said affidavit dated 07.04.2022, would be punished and he would also be removed from Trusteeship.

7. With the above directions, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

ms

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/20/06/2022

To

The AG & OT,
High Court Campus,
Chennai-104.