



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.13764 of 2022

M.Gandhi

..Petitioner

Vs

1. State of Tamil Nadu
Rep. by its Secretary, Public Welfare Department
Fort St.George
Chennai - 600 009.
2. The State of Tamil Nadu
Rep. by its Secretary to Law Department
Fort St.George
Chennai - 600 009.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to frame scheme/guidelines, form supervisory committees for the proper functioning the trust by excluding non-Indian citizens other than Overseas Citizens of India (OCI Card Holders) from holding the trusteeship of public trust.

For Petitioner : Mr.R.Suresh Kumar

For Respondents: Mr.T.Chezhan
Additional Government Pleader
for respondents 1 and 2

ORDER

(Order of the Court was made by
Hon'ble Justice M.S.RAMESH)

The petitioner herein seeks for an issuance of writ of Mandamus, directing the respondents to frame scheme/guidelines for the proper functioning of the Trust by excluding the Non-Indian Citizens, other than the Overseas Citizens of India (OCI), from holding the Trusteeship of Public Trusts.



2. Earlier, the petitioner herein had filed a writ petition seeking for similar prayer. This Court in its order dated 05.07.2018 passed in W.P(MD).No.12686 of 2018 had directed the respondents therein to consider the petitioner's representation in this regard. It is the case of the petitioner that the order is yet to be implemented.

3. When this Court had earlier passed orders directing the respondents to consider the petitioner's representation, it would not be appropriate to once again direct the respondents to consider the petitioner's grievances.

4. The petitioner now apprehends that the membership of Non-Indian Citizens may be excluded from the scheme/guidelines. It is needless to point out that the Indian Trustees Act may not have covered the Public Trust and in the absence of any scheme or guidelines to the governing membership of the foreigners/Non-Indian citizens, there may not be any impediment to include them under the scheme.

5. In this background, the second respondent herein is called upon to comply with the directions of the Division Bench of this court passed in W.P(MD).No.12686 of 2018 dated 05.07.2018 within a period of three months from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

kk/drm

To

1. The Secretary
Public Welfare Department
Fort St.George, Chennai - 600 009.

2. The Secretary to Law Department
Fort St.George, Chennai - 600 009.

+1cc to Mr.R.Suresh Kumar, Advocate, S.R.No.31960

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NSK/21/06/2022