



C.R.P. No. 3766 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3766 of 2017

1. Sivakumar,
S/o. Mani
2. Kalaiselvan,
S/o. Ramasami
3. Duraisamy,
S/o. Chinnamuthu
4. Manikkam,
S/o. Krishnan
5. Jaya,
W/o. Thangaraj
6. S.S.Tamilarasan,
S/o. Chellappa Gounder

... Petitioners

Versus

1. Rasi Polytechnic College,
rep. by its Principal



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2. R.Senthilkumar,
S/o. Ramamurthi

3. N. Chandrasekar,
S/o. Natarajan

4. Schedule Caste and Schedule
Tribes Welfare Department,
Directorate of Schedule Caste
and Schedule Tribes Welfare,
Chennai by its Director,
Chepauk, Chennai-5.

5. Schedule Caste and Schedule
Tribes Welfare Department,
Namakkal, by its Tahsildar,
District Collector Complex,
Namakkal Dt.

6. The District Collector,
District Collector Complex,
Namakkal.

7. Matheswaran R.
S/o. Ramasami

... Respondents

PRAYER : Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the Order in unnumbered suit of 2017 dated 11.09.2017 on the file of District Munsif Court, Rasipuram.



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For Petitioners : Mr.S.Senthil

For Respondents : Mr.P.Gurunathan for R1 to R3

Mr. B. Tamilnidhi,
Addl. Govt. Pleader for
R4 to R6

ORDER

The Revision Petitioners are the plaintiffs in unnumbered suit of 2017 filed before the District Munsif Court, Rasipuram praying for the relief of permanent injunction stating that scheme settle in respect of 1st defendant college administration, the scholarship amount could not be disbursed to SC/ST students, who are studying in the college.

2. The suit was rejected by the trial court before numbering itself stating the reason that there is a trust viz., Rajiv Gandhi Educational Trust and Charity, through the 1st respondent college attempted to disburse the amount to SC/ST students, but with regard to disbursement of amount, there is a dispute between the trustees. Hence, some of trustees filed a suit. On

3/6



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considering the entire dispute between the trustees, the trial court rejected the plaint stating that only District Court alone having jurisdiction, since the issues involved concerned with the trustees. Accordingly, the plaint was rejected. Challenging the said findings, the plaintiffs preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioners admitted that there is a dispute between the trustees and the suit filed in O.S.No. 55 of 2020 is pending before the District Court, Namakkal. So, the fact reveals that the dispute is between trustees pending before the District Court, Namakkal for adjudication. On considering the relief claimed in the unnumbered Suit also subject to suspicious circumstances with regard to disbursement of amount of 1st defendant and the Charitable Trust. Therefore, the District Court alone is having jurisdiction to decide the issue. Hence, the reason assigned by the learned trial judge is justifiable one.

3. In the result, this Civil Revision Petition is dismissed and the order passed by the trial court in unnumbered suit of 2017 is confirmed. However,



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liberty is granted to the Revision Petitioners to work out their remedy as they claimed in the unnumbered suit in the suit pending before the District

Court, Namakkal. No costs.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

District Munsif,
Rasipuram.



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T.V.THAMILSELVI, J.

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