



W.A.No.848 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.848 of 2023

Dr.N.Veerappan

.. Appellant

Vs.

1. State of Tamil Nadu
Rep. by Principal Secretary
Backward Classes, Most Backward Classes
and Minorities Welfare (BC3) Department
Fort St. George
Chennai 600 009.
2. Tamil Nadu Vanniyakula Kshatriya Public
Charitable Trusts and Endowments Board
Rep. by is Chairperson
Chennai 600 008.
3. The Chairman
P.T.Lee Chengalvaraya Naicker Trust
2-3, E.V.K. Sampath Salai
Vepery
Chennai 7.



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4. Board of Trustees

P.T.Lee Chengalvaraya Naicker Trust

2-3, E.V.K. Sampath Salai

Vepery, Chennai 7.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 28.02.2023 made in W.P.No.24166 of 2021.

For the Appellant

: Mr.G.Murugendran

For the Respondents

: Mr.R.Shunmugasundaram

Advocate General

assisted by Mrs.R.Anitha

Special Government Pleader
for Respondent-1

Mr.P.Kumaresan,

Senior Counsel

assisted by Ms.Lakshmi
for Respondent-2

Mr.M.R.Jothimanian

for Respondent-3

Mr.E.Manoharan

for Respondent-4

(Vakalat not filed)

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.G.Murugendran, learned counsel for the appellant, Mr.R.Shunmugasundaram, learned Advocate-General, assisted by Mrs.R.Anitha, learned Special Government Pleader for the first respondent, Mr.P.Kumaresan, learned Senior Counsel,



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assisted by Ms.Lakshmi, learned counsel for the second respondent, Mr.M.R.Jothimanian, learned counsel for the third respondent, and Mr.E.Manoharan, learned counsel for the fourth respondent.

2. The appellant had filed a writ petition challenging G.O.(2D)No.21 dated 29.10.2021, thereby terminating the appointment of the appellant as a Trustee of the P.T.Lee Chengalvaraya Naicker Trust.

3. The learned Single Judge dismissed the writ petition holding that the appellant does not have a vested right.

4. Learned counsel for the appellant strenuously contends that as per the provisions of the statute, once the appellant is appointed as a Trustee, he has a vested right to continue in the office for a period of three years and the grounds of disqualification are also detailed in the Act. Unless the appellant incurs any of the disqualifications enumerated in the Act, the appointment of the



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appellant as a Trustee could not have been terminated and/or the appellant could not have been removed as a Trustee. It is further submitted that the appellant's term of three years is up to 08.11.2023. Such a premature removal of the appellant is against the provisions of the statute, the principles of equity, justice and good conscience and also against the Scheme Decree framed by the Court.

5. Learned Advocate-General submits that the appellant was not elected as a Trustee, but was nominated as a Trustee by the Government at the discretion and pleasure of the Government. It is stated that criminal cases against the appellant are pending.

6. It is not disputed that the appellant is nominated as a Trustee of the P.T.Lee Chengalvaraya Naicker Trust under G.O.(Ms)No.81 dated 07.11.2020. A Scheme Decree had been passed in C.S.No.242 of 1986 by the learned Single Judge of this Court on 01.04.1999, which was modified as per the order in appeal



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by this Court. The Scheme provides for nomination of some of the Trustees by the Government.

7. The appellant was not elected as a Trustee, but was nominated as a Trustee at the pleasure of the Government. This Court cannot go into the sufficiency of reasons. It is submitted that criminal cases are pending against the appellant. The Government has lost confidence in the appellant. That would be sufficient to remove the appellant. Mere removal of the appellant does not attach any stigma.

8. Moreover, the term of the appellant is to end within two days. In view of that also, the matter would remain merely academic.

9. Learned counsel for the appellant submits that now fresh notification has been issued inviting applications for nomination of the Trustee of the said Trust. The appellant has applied for the same



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and the Government may be directed to consider the application of the appellant.

10. It is for the Government to process the applications received and appoint the person, who, according to the Government, is fit to be appointed.

11. The writ appeal, accordingly, stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.8193 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

The Principal Secretary
Backward Classes, Most Backward Classes
and Minorities Welfare (BC3) Department
Fort St. George
Chennai 600 009.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(kpl)

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