



A.No.4841 of 2019
in C.S.No.270 of 1939

N.SESHASAYEE.J.,

This application is filed by certain Tamil Nadu Arya Vysya Maha Sabha through its Chairman Mr.N.Sathish Kumar, for appointing a Commission for holding election to the office of trustees of Chinni Subbiah Chetty's Charities.

2.A scheme has been framed by this Court in C.S.No.270 of 1939 on 03.04.1940 and the provisions of the scheme provides only for an election for filling up the vacancies to the office of trustees. Whereas, what is now happening is that the vacancies are filled up by nomination but not by election. Hence the applicant seeks a direction that a Commission be appointed for holding election to the office of the trustees.

3.When the matter came up before this Court on an earlier occasion, this Court wondered what is the present need for entertaining this application when there is no vacancy which is required to be filled up. When the matter is taken up today, this Court is informed that the 2nd respondent has passed away on 17.02.2023. This necessarily gives a cause for action for filing this application.

4.Learned counsel for 1st respondent and respondents 3 and 4 submitted that the applicant is an Association of persons and it does not have a *locus standi* to file



this application.

5. Turning to the allegations, the scheme provides only election as a process to fill up the vacancy, and indeed vide clause 11 it provides for nomination in default of election. This Court was assured by the respondents that the vacancy created owing to the demise of 2nd respondent would be filled up in accordance with the provisions of the scheme. The said statement is recorded.

6. It is underscored that only members who are eligible to participate can participate in any meeting of election and no third parties can be admitted against the tenor of the scheme.

7. In view of the statements now made, this Court does not consider it necessary to keep alive this application. After all, the Trust and its administration governed by a scheme involves its internal management and no Court shall interfere with the same.

8. This application stands closed accordingly.

21.02.2023

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