



A.No.4167 of 2023

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in C.S.DR.No.94802 of 2023

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N.SATHISH KUMAR, J.

The application has been filed seeking for a grant of leave to institute suit in respect of the plaintiffs trust.

2. According to the applicants/plaintiff, they are the trustees of public trust namely Chennai Border Thottam 24 Manai Telugu Chettiars Palani Murugan Trust, which was formed in the year 1991 by 10 members originally and there are several members shown as trustees. Even all these days, there were no bye laws framed and respondents 1 to 3 are taking advantage of the fact that no bye laws and regulations framed for the management of the trust are trying to usurp the management of the trust. Hence, seeks leave to file suit.

3. The counter has been filed by the president of the Trust. Though the contentions of the petitioners are denied in paragraph 4 of the counter, it is pleaded as if the defendants had committed misappropriation for a sum of



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Rs.25 lakhs and had not placed audit of accounts of the trust and the defendants had unilaterally without the consent of the members of the Board of Trustees are putting up construction in the land belonging to the trust and thereby demeaning the name of the trust and further, had also opened a bank account. Further, it is the contention that the first plaintiff was removed from the presidentship. Therefore, he has filed a suit.

4. The learned counsel for the applicants submitted that the very Trust Deed indicate that there are no bye-laws in respect of trust and all these days, the Trust was run by passing minutes and the plaintiffs have put up Kalyana Mandapam out of his own money. When income started emerging from the Mandapam. The respondent started a group and acting against the interest of the trust. Hence, for proper framing of the scheme, the suit is required, whereas, the learned counsel for the respondents would submit that the petitioner has already filed a suit against the defendants 3 to 5 in O.S.No.2857 of 2023 before the VIII Assistant City Civil Court seeking for restraining the election process, having failed in that attempt, the present suit is filed. Hence, submitted leave cannot be granted.



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5. I have perused the entire pleadings as well as the Trust Deed. The Trust was founded by 10 member in the year 1999 and several members have been shown as trustees, however, there is no bye-laws whatsoever framed. Even today, there is no bye-law framed and all these days the Trust have been run by passing some minutes proceedings. When the property is endowed for public religious purposes, it should be administered by proper rules and regulations and such Trust cannot be run at the whims and fancies of the parties. Though it is stated by the respondents that there are elections conducted and the petitioners were non suited in the election, this Court is of the view that irrespective of such submissions, when there are no rules and regulations or bye-laws put in place to run the public charitable trust. As trustees, they continue to manage the property of the trust, have no restriction in the form of bye-laws and rules, in fact, it will lead to serious impact in the trust properties. Though on the face of it, it appears that the plaintiffs are not able to get any orders in the suit filed against the defendants 3 to 5 and has filed the present suit to vindicate their personal rights, the fact remains that trust has been administered without any bye-laws and rules and regulations in all these days.



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6. Such view of the matter, this Court is of the view that having regard to the admissions in the counter with regard to certain misappropriation committed in the trust properties, it is for the interest of the trust, schemes has to be framed. Accordingly, leave is granted and this application is Ordered as prayed for.

02.11.2023

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