



A.Nos.1628 of 2022 & A.No.3013 of 2020
in C.S.No.242 of 1986

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N.SESHASAYEE, J.,

This Court has not formally closed these applications in its order dated 19.12.2022, but in the subsequent order dated 24.01.2023 in paragraph No.2, this Court has indicated that these applications have been disposed of on 19.12.2022. However, the background of these applications are provided in the order of this Court dated 19.12.2022, and they are extracted below for convenience :

The suit is laid for framing the scheme for M/s.P.T.Lee Chengalvaraya Naicker Trust. Earlier, this Trust was part of Pachaiyappa Trust. This Court is informed that while a judgment of the Hon'ble Supreme Court dated 11.07.1996, the Chengalvaraya Trust was separated from the Pachaiyappa Trust and ever since it has its independent existence. It is during the pendency of the proceedings before the Supreme Court, the present suit came to be laid in 1986 for framing a scheme. Eventually, on 01.04.1996, this Court has framed a scheme constituting for a Board of Trustees comprising of eight members plus a chairman. The chairman must be a retired judge of the Court. The scheme provides that whenever vacancy of the office of the trustees arises, this Court may have to invite applications and fill up the vacancies.



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2.The last Board of Trustees came to an end on 08.11.2020. While so, the Trust Board through its chairman had filed A.No.1617 of 2020 for extending the term by another three years. When the matter came before this Court, this Court has opined that the scheme does not contemplate for extension of the term of office for an existing Board and directed it to invite applications for filling up the vacancies created and to make it over to the Government which is now required to fill up the vacancies on the applications received in strict conformity with the scheme framed by this Court. The Government came into scene based on “the Tamil Nadu Vanniyakula Kshatriya Public Charitable Trusts and Endowments (Protection and Maintenance) Act, 2018.”

3.One of the former Trustees (not one in the present out going Board) has taken out two applications:

- (i) A.No.1628 of 2022 for staying the impugned advertisements issued arbitrarily by the 3rd respondent Trust in violation of the Scheme.
- (ii) A.No.3013 of 2020 for a direction to the Government to retransfer the applications that it had directed to be made over to the Government vide its order in A.No.1617 of 2020 dated 05.11.2020.

4.So far as these applications are concerned, as on date, the State legislature has brought into existence “the Tamil Nadu Vanniyakula Kshatriya Public Charitable Trusts and Endowments (Protection and



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Maintenance) Act, 2018". The Court is required to presume the constitutionality of this Act and hence, unless the Act is challenged in a manner known to law, this Court is duty bound to presume its constitutionality and cannot act in contravention to the Act.

5.It is apparent that the applicant in A.No.1628 of 2022 and A.No.3013 of 2020 has not challenged the constitutionality of the aforesaid Act in a manner known to law and procedure. Given the circumstances, this Court considers that the order passed by this Court in A.No.1617 of 2020 prima facie appears appropriate. The applicant who is now appearing before this Court in person is now required to workout his strategies if he is so interested.

2. In view of the above, nothing can survive in these applications and hence A.No.1628 of 2022 and A.No.3013 of 2020 are closed.

16.02.2023

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