



W.P.(MD) No.12442 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P(MD)No.12442 of 2023
and
W.M.P(MD)No.10543 of 2023**

Dr.S.Gurushankar,
President and Managing Trustee,
S.R.Trust,
Lake Area, Melur road,
Madurai – 625 107.

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Public Welfare Department,
Fort St. George, Chennai – 600 009.

2.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Law Department,
Chennai – 600 009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents to hear the



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petitioner's suggestions/opinions and include the petitioner as member of the committee if any to be formed by the respondents in the process of framing of the bills relating to Trusts Act for the State of Tamil Nadu.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner seeks for issuance of a Writ of Mandamus directing the respondents to hear his suggestions and opinions and include him as member of the Committee if any to be formed by the respondents in the process of framing of the Bills relating to Trusts Act for the State of Tamil Nadu.

3. The petitioner is the President and Managing Trustee of SR Trust. Earlier a Public Interest Litigation was filed by a practising



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Advocate in W.P.(MD)No.12686 of 2018, seeking for framing of scheme / guidelines, from Supervisory Committees for the proper functioning of public trusts. The Writ Petition was disposed of with certain observations and directions. Taking note of these directions, another Division Bench of this Court had passed orders in W.P.No.13764 of 2022 with directions to the respondents to comply with the earlier directions passed in W.P.(MD)No.12686 of 2018. Earlier in orders passed in W.P.(Civil) No.472 of 2018, the Hon'ble Apex Court had disposed of Writ Petition by observing that some of the States in the Country have disqualified the convicted persons and that the concerned State may consider the same in the proper perspective. Based on the directions of the Hon'ble Apex Court as well as the orders passed by this Court, the Government had framed the Tamil Nadu Public Trusts Act, 2020 and instantly withdrawn the Bill pursuant to the objections raised from various quarters.

4. The learned counsel for the petitioner submitted that pursuant to the orders of this Court, they have also modified and amended their Trust Deed by incorporating a Clause to the effect that a proclaimed offender



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or a person convicted by a competent Court of law shall not hold, continue or be nominated as Trustee, through a Supplementary Deed dated 24.04.2023. The incorporation of this Clause, in compliance of the orders of this Court, is commendable. Yet, the prayer sought for by the petitioner, if granted would amount to stepping into the legislative domain. However, the petitioner seems to have given a representation on 25.04.2023 for a similar relief and we are of the view that if this representation is directed to be considered by the respondents after due opportunity to the petitioner, in line with the earlier direction of the Hon'ble Supreme Court as well as this Court, the ends of justice could be secured.

5. Accordingly, there shall be a direction to the first respondent herein to forthwith consider the petitioner's representation dated 25.04.2023, after giving due opportunity of hearing to the petitioner, within a period of three (3) months from the date of receipt of a copy of this order.



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6. The Writ Petition stands ordered accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

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[M.S.R., J.]

[P.T.A., J.]

24.05.2023

NCC : Yes/No

Index : Yes/No

pm/vsm

To:

1.The Principal Secretary,
State of Tamil Nadu,
Public Welfare Department,
Fort St. George, Chennai – 600 009.

2.The Principal Secretary,
State of Tamil Nadu,
Law Department,
Chennai – 600 009.



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vsm

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