



W.P.No.2500 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 2500 of 2021
and
W.M.P.No.2819 of 2021

Sri Divyam Educational & Charitable Trust,
Represented by
President and Administrative Trustee
E.Sivakuru.

.... Petitioner

Vs

1. The Regional Manager,
State Bank of India,
Region No.V,
Regional Business Office,
No.15, Officer Line,
Vellore.

2. The Branch Manager,
State Bank of India,
Dharmapuri Town Branch,
Dharmapuri Town and District.

3. M.Malini
4. K.Murugan
5. C.Sugumar
6. P.Thamizharasi
7. V.G.Balu
8. M.Kathar
9. Vijiya
10. B.Umadevi
11. Manivanan

.... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to permit the petitioner to operate the 1. Current Account No.62463814897, 2. Current Account No.62389214770 and 3. Current Account No.62402630435.

For Petitioner : Mr.R.Rajarajan
For R1 & R2 : Mr.M.L.Ganesh
For R4, R5 & R8 : Mrs.V.Srimathi
For R3, R6, R7,
R9 to R11 : No appearance

ORDER

This Writ Petition has been filed for a direction directing the second respondent to permit the petitioner to operate the Current Account Nos.62463814897, 62389214770 and 62402630435 lying in the second respondent Bank.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the Trust and the respondents 3 to 11 are the Trustees. While being so, there was an interse dispute between the petitioner and the trustees. Therefore, some of the private respondents have filed a suit in O.S.No.48 of 2020 for declaration declaring the 8th



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respondent as the Chairman-cum-Managing Trustee and to remove the present President and other trustees from the post of managing trustees.

Further, it was prayed for declaration declaring that the resolution passed by the Trust as null and void and for permanent injunction.

4. Pending suit, the respondents 3 to 11 also filed an application in I.A.No.3 of 2020 for interim injunction restraining the petitioner from interfering with the management of the trust and the same was allowed. Aggrieved by the same, the petitioner filed an appeal before this Court in CMA No.1856 of 2020. Simultaneously, the respondents 3 to 11 had also filed an application to appoint an Advocate Commissioner to verify the accounts of the trust and file a detailed report. Aggrieved by the same, the petitioner also filed a petition before this Court in CRP No.2184 of 2020. This Court, by a common order dated 05.03.2024, allowed the CMA No.1856 of 2020 and dismissed the CRP. No.2184 of 2020. While allowing the CMA No.1856 of 2020, this Court categorically observed that the respondents alleged that the petitioners are making attempt to encumber the trust properties indiscriminately. Therefore, the respondents can very well seek interim relief before a Civil Court. The allegation that the petitioners attempted to alienate the



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petitioner's properties, has nothing to do with the operation of the accounts by the petitioner. In view of the injunction granted by the Civil Court, the second respondent refused to permit the petitioner to operate the Current Account Nos.62463814897, 62389214770 and 62402630435 lying in the second respondent Bank. In view of vacating the interim injunction, the petitioner is at liberty to operate the Current Account Nos.62463814897, 62389214770 and 62402630435 lying with the second respondent.

5. It is also seen from the counter filed by the second respondent that as per Clause 15(iv) of the Trust Deed recites that the bank accounts shall be opened and closed by the President and Secretary jointly in the name of the trust in their own discretion at any time. Therefore, the President and the Secretary had jointly operated the accounts opened in the trust name.

5. In view of the above, the second respondent shall permit the President and the Secretary of the Trust to operate the Current Account Nos.62463814897, 62389214770 and 62402630435, as per the provisions of the Trust Deed, forthwith.



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6. With the above observation, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

12.06.2024

Internet : Yes

Index : Yes/No

Neutral Citation : Yes/No

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To

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2. The Branch Manager,
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