



WP.No.4038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.4038 of 2024
and W.M.P.Nos.4360 & 4366 of 2024

Sree Sai Trust
Rep by its Founder and President Mr.Kothandan
Ariyur, Vellore – 632 055

.. Petitioner

Versus

1.The Revenue Divisional Officer, Vellore
R.D.O. Office, Vellore District – 632 009

2.The District Collector, Vellore
A Block, 2nd Floor
District Collectorate, Vellore District – 632 009

3.A.G.Arumuga
4.A.G.Pandian
5.P.Baskaran

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent comprised in its order bearing reference number A4/3916/2023 dated 29.12.2023 and to quash the same as arbitrary, illegal and without jurisdiction and consequently forbear the respondents from in any manner seeking to interfere with the functioning of the petitioner trust.

For Petitioner : Ms.Thajaswini
for Mr.Rahul Balaji
For Respondents : Mr.U.Baranidharan for R1 & R2
Additional Government Pleader
Mr.S.P.Balamurugan for R3 to R5

ORDER



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This writ petition is filed challenging the order passed by the first respondent in A4/3916/2023 dated 29.12.2023, quash the same and consequently forbear the respondents from in any manner from interfering with the functioning of the petitioner trust.

2. The case of the petitioner is that the petitioner is a registered private charitable trust. The respondents 3 to 5 had entered into meeting on 30.07.2014 and pressed for inclusion of them and 11 others as members of the trust and made to executed document in Doc.No.170/2014. Subsequently, the petitioner trust resolved to cancel the document and executed a fresh Trust Deed No.173/2014 with proper positions. Due to atrocities of the respondents 3 to 5, the petitioner trust filed a complaint vide CSR.No.571/2023 and further, meeting of the Board of Trustees was held and the trustees decided to add Mr.A.C.Sekar, Mr.ACR Babu and Mr.A.K.Venkatesan and thereby, the respondents 3 to 5 were removed from the trust. In pursuant to their removal, the respondents 3 to 5 gave a complaint to the RDO and summon was issued to the petitioner for enquiry under Section 107 of CrPC. The first respondent vide Order dated 29.12.2023 directed the trustees to remove the current president and to conduct re-elections as per the byelaws and also uphold the validity of the forged additional trust deed bearing Doc.No.170/20214 and held that respondents 3 to 5 and their men are also the trustees of the petitioner trust.



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Challenging the said order, this writ petition.

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3. The learned counsel for the petitioner submitted that the petitioner trust is a registered trust and if any law and order problem arises in the petitioner trust, the first respondent has the power to pass appropriate orders in the interest of preventing any mishap in the locality under Section 107 of CrPC, however, the first respondent has no vested power with regard to the resolution passed by the petitioner's trust, cancellation of elected president and removal of member. Such power is only vested with the appropriate authorities as contemplated under Tamil Nadu Public Trusts Act, 2020 or by the Civil Court and the present order is passed arbitrarily and without any jurisdiction. Hence, seeks to allow this writ petition.

4. The learned Additional Government Pleader submitted that the petitioner trust obtained a lease from the temple land for a period of 90 years and accordingly to the Bye-Law No.7 of the trust, no members can be added, removed without proper procedures, however, the petitioner trust has removed the members contrary to the bye-law and there were serious conflicts and difference of opinion prevailing within the trust, therefore, in order to maintain peace and tranquillity, the order was passed. Hence, opposed the writ petition.



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5. Heard both sides and perused the materials placed on record.

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6. Considering the facts and circumstances of the case, since, there was a dispute existing between the president and the removed members which was landed before the first respondent/RDO, who had passed the impugned order. However, as rightly pointed out by the learned counsel for the petitioner that the authorities shall exercise their power only within the jurisdiction and not beyond that. In the present case, the first respondent ordering for disqualification of the petitioner from the trust and also cancelling the resolution passed by the Trust, such a power is not vested with a revenue authority. Such power is vested only to the appropriate authority under the Tamil Nadu Public Trusts Act, 2020 or by the Civil Court. Thus this Court is of the view that such power is usurped by the first respondent and the order is passed without any jurisdiction and order impugned herein cannot be sustained in the eye of law and the same needs to be set aside and accordingly, the impugned order dated 29.12.2023 stands set aside.

7. However, liberty is granted to the private respondents to work out their remedy by approaching civil court with regard to their personal dispute and the parties are directed to maintain peace and tranquillity in the locality. If

any law and order problem is created, then the law enforcing agency have



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decide the issue in the manner known to law.

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8. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Internet: Yes/No

To

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