



W.P.No.13525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

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K.Ramesh Chettiyar

.... Petitioner

Vs

1. The District Collector,
Collectorate, Tirupattur,
Thirupattur District.
2. The Thasildar
Taluk Office,Vaniyambadi,
Thirupattur District.
3. The District Education Officer,
District Education Office,
Opposite to Sub Collector Office,
Thirupattur, Thirupattur District.
4. The Inspector,
Hindu Religious and Charitable Endowment Board,
Fort, Vaniyambadi,
Thirupattur District.

5. N.Thiruchelvam

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1-4 consider the petitioner's representation dated 18/09/2023 and to stop the current activities carried on in the Trust by its member and to take



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appropriate actions as to run the Trust as per the last wish of my grandfather Thiru. Late. T.V.K. Venkatesa Chettiyar as according to the rules/conditions written in his Will and appoint a Receiver to administer the Educational Trust standing in the name of T.V.K.Venkatesa Chettiar Charities.

For Petitioner : Mr.V.Ashok Kumar

For Respondents : Mr.U.Bharanidharan (R1 to R3)
Additional Government Pleader
Mr.S.Ravichandran (R4)
Additional Government Pleader (HR & CE)
Mr.Sai Sathyajith (R5)

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for R1 to R3, Mr.S.Ravichandran, learned Additional Government Pleader accepts notice for R4 and Mr.Sai Sathyajith, learned counsel accepts notice for R5. They are armed with necessary instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to be the grand son of one Thiru.Late.T.V.K Venkatesa Chettiar. His grandfather is stated to have set up a trust in his name in the year 1944 vesting certain properties therein for the purpose of education and charitable activities. According



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to the petitioner, the trust is not functioning either in accordance with the relevant provisions of law or per the wishes of his late grand father.

3. Admittedly, the petitioner is not a trustee and is not connected with the trust in any manner. However, despite the same, since the trust (registered as document Nos.87/36 and 995/44 – pages 24 and 40 of the typed set of papers), is stated to be a public charitable trust, there must be some accountability cast upon the trustees to ensure that the wishes of the founder of the trust are carried out in a manner known to law.

4. The petitioner has made a representation before the first respondent/District Collector, Thirupattur District seeking an enquiry into the activities of the trust and particularly to ensure that the wishes of the founder of the trust are carried out in the manner desired by him.

5. Since the representation which is dated 18.09.2023 is yet pending disposal, he has filed this Writ Petition seeking a mandamus directing respondents 1 to 4 to consider the representation, stop the current activities carried on in the name of the trust by its members, such that the trust is being run as per the wishes of his grandfather as set out in the trust deeds. He also seeks intervention by appointing a Receiver to administer the educational trust standing in the name of late T.V.K.Venkatesa Chettiar.



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6. Since the adjudication of the prayer of the petitioner would require assimilation of multiple facts and evidence to be collated, it would be more appropriate for the authorities to look into the matter and pass necessary orders.

7. The receipt of the representation is not in dispute insofar as the postal track record is circulated and has been duly confirmed by the learned Additional Government Pleader for R1.

8. Since the representation filed by the petitioner is in any event pending before R1, mandamus is issued to R1 to call upon the petitioner as well as R5 and other trustees/staff of the trust as well as any others deemed necessary in the matter, hear them and pass orders on representation dated 18.09.2023 in accordance with law and all applicable rules and regulations, within a period of six (6) weeks from date of receipt of a copy of this order.

9. This Writ Petition is disposed as above. No costs.

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Index:Yes/No
Speaking order:Yes
Neutral Citation:Yes

To



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Dr.ANITA SUMANTH,J.

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