



C.R.P.No.1556 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.1556 of 2022

and

C.M.P.No.7869 of 2022

1.Confederation of Pondicherry State
Government Employees Association
Welfare Trust rep by its
Managing Trustee K.Murugan
No.2, Thazhai Street, Solai Nagar,
Muthialpet, Puducherry – 605 003.

2.K.Murugan

3.N.Shanmugam

..Petitioners

Vs.

1.R.Anansdarasan

2.M.Kalaiselvan

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the impugned order passed by the learned Principal District Judge at Puducherry dated 30.03.2022 in I.A.No.703 of 2021 in Trust O.P.No.1 of 2021 and consequently, allow the same.

For Petitioners : Mr.R.Saravanan

For Respondents : Mr.R.Sreedharan



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ORDER

The order under challenge is one dismissing the application filed under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the petition filed under Section 34 of the Indian Trust Act challenging the removal of the petitioners therein/ respondents in this revision as Trustees of the Confederation of Pondicherry State Government Employees Association Welfare Trust.

2. Upon notice, the respondents filed the instant application under Order VII Rule 11 of the Code of Civil Procedure primarily contending that the Trust in question being a public Trust, Section 34 of the Trust Act cannot be invoked. It was also contended that the issues raised in the OP cannot be conveniently decided in Section 34 proceedings, which is summary in nature and which is meant for seeking the opinion of the Court in respect of the matters enumerated under Section 34 viz., an advice or direction in respect of management or administration of the Trust property other than questions of detail, difficulty or importance, which are capable of summary determination. Removal of a person as a Trustee will not fall within the scope of Section 34 of the Trust Act. The learned Principal District Judge has dismissed the application stating that



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all these questions will have to be gone into after completion of trial.

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3. I have heard Mr. R.Saravanan, learned counsel appearing for the petitioners and Mr.R.Sreedharan, learned counsel appearing for the respondents.

4. I am clearly of the opinion that the order of the learned Principal District Judge need to be interfered with solely on the ground that Section 34 of the Trust Act would not apply to a public Trust. Moreover the question of removal is one which cannot be conveniently decided in a proceedings under Section 34. It is also stated that in a suit filed by the petitioners herein seeking permanent injunction restraining the respondents from interfering with the affairs of the Trust, the respondents have raised a counter claim and have sought a declaration that the removal is invalid. In view of the said position, I see no necessity to keep this Trust O.P.No.1 of 2021 alive. Hence, the OP will stand rejected on the ground that invocation of Section 34 with reference to public Trust is flawed.

5. Accordingly, this Civil Revision Petition is disposed of. No



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costs. Consequently, the connected miscellaneous petition is closed.

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dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



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To

The Principal District Judge,
Puducherry.



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R.SUBRAMANIAN,J.

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