



W.P.No.12009 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12009 of 2014

and

M.P.No.1 of 2014

T.Sudharasan

...Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungambakkam, Chennai – 600 034.
3. The Executive Officer,
Arulmigu Ekambareeswarar Thirukovil,
Thangasalai,
Chennai – 600 003.
4. T.Sampathkumar,
President of TVR Subbi Chetty's Family Charities,
B7, Prince Towers,
Marvadi Thottam,
No.4, Subbarayan Street,
Mylapore, Chennai – 600 004.



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5. T.Jayasekar,
Turn Manager of TVR Subbi Chetty's Family Charities,
First Floor, Old No.7/3, Kesava Perumal West Street,
Mylapore, Chennai – 600 004.
6. T.Parthasarathy,
Trustee of TVR Subbi Chetty's Family Charities,
“Dev Apartment” - Second Floor,
No.14E, West Chitrakulam,
Mylaore, Chennai – 600 004.
7. TVR Subbi Chetty's Family Charities,
Rep. by its Board of Trustee,
New No.9, Adhiyappa Naicken Street,
Chennai – 600 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the respondents 1 and 2 in A.P.No.16 of 2013 D2 and to quash the order of the 1st respondent dated 11.10.2013 made therein, confirming the order of the 2nd respondent dated 08.11.2012 in R.C.No.4549 of 2010 and consequently, to direct the respondents 1 and 2 to recognize the petitioner as a Hereditary Turn Trustee of the 7th respondent Sri T.V.R.Subbi Chetty Family Charities in accordance with its Scheme.

For Petitioner : M/s.S.Saranraj

For Respondents : Mr.NRR.Arun Natarajan, Spl.G.P
for RR1 to 3

Mr.M.Karthikeyan for R7



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ORDER

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2. Since no adverse order is being passed against the respondents 3 to 6, notice to the respondents 3 to 6 is dispensed with.

3. The case of the petitioner is that the petitioner's grandfather, T.V.R.Subbi Chetty, established the T.V.R.Subbi Chetty's Family Charities. Pursuant to the governing Scheme Decree dated 13.10.1941, as modified on 19.03.1974, the respondents 4 to 6 have committed breaches of trust and mismanaged the T.V.R.Subbi Chetty's Family Charities. Notwithstanding the petitioner's initial restraint, he subsequently filed an application before the second respondent under Section 54(1) of the Hindu Religious and



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Charitable Endowments Act, 1959, seeking appointment as a Hereditary Trustee. The respondents 4 to 6 contested the petitioner's application, alleging that the petitioner's claim is barred by limitation. However, the said application was dismissed vide order dated 08.11.2012 holding that no permanent vacancy has arisen and enquiry into the charges against the respondents 4 to 6 are pending. Challenging the same, the petitioner preferred an appeal before the first respondent in A.P.No.16 of 2013 D2, however the same was also dismissed vide judgment dated 11.10.2013, confirming the order of the second respondent. Aggrieved over the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submits that the first and second respondents concurrently held as against the petitioner that when the fourth respondent continued to be the trustee of the TVR Subbi Chetty's Family Charities, unless and until the said post is vacant, the petitioner is not entitled to file an application seeking appointment as a hereditary trustee. He further submits that till date the disciplinary proceedings initiated as against the respondents 4 to 7 has not been concluded. Hence, this Court may issue



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a direction to the first respondent to conclude the proceedings within the time frame that may be fixed by this Court. He further submits that this Court may permit the petitioner to file appropriate application before the second respondent for appointment of trustee if the same is vacant along with other male members in terms of the Scheme decree.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submits that pending the proceedings initiated as against the respondents 4 to 7, a fit person was appointed to administer the Trust.

6. Heard the learned counsel appearing for the petitioner and The learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials placed on record.

7. In view of the limited relief sought for by the learned counsel for the petitioner, this Court without interfering with the impugned order, directs the first respondent to conclude the proceedings initiated as against the respondents 4 to 7 within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, liberty is granted to the respondents



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4 to 7 to work out their remedy in the manner known to law subject to the outcome of the said proceedings.

8. With the above directions and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.09.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Nungambakkam, Chennai – 600 034.

3. The Executive Officer,

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Arulmigu Ekambareeswarar Thirukovil,
Thangasalai,
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