



A No.2629 of 2025
in
C.S.No.54 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A No.2629 of 2025

in

C.S.No.54 of 2025

24 Manai Telugu Chettiar Charitable Trust
Rep.by its
(1) Chairman-cum Managing Trustee
Mr.K.C.Pallanishamy and
(2) Treasurer cum Joint Secretary
Mr.Manohar Sangilimuthu @ R.S.Manohar,
Having Office at
Old No.155, New No.203, E.V.R.High Road,
Kilpauk, Chennai 600 010.

...Applicant/2nd Respondent/2nd Defendant

Vs

1. G.Paulpandian
- 2.G.Manoharan
- 3.A.Manoharan
- 4.L.Krishnan
- 5.M.Kanagarajan
- 6.P.Gajendran



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7.V.R.Ganesan

8.K.Krishnamurthy

9.Rajendran Ganesan

10.B.Sundarapandi

11.R.Baskaran

12.D.Sureshkumar

13.M.Chandrasekaran

14.R.Vijayakumar

15.G.Panneerselvam

16.G.Chandramohan

... Respondents 1 to 16/
Plaintiffs

17. 24 Manai Telugu Chettiar Educational and
Chariatable Trust

Rep.by its

Managing Trustee,

Having Office at No-256 and 257, Mint Street,

Chennai – 600 003.

...17th Respondent/ 1st Defendant

For Applicant(s):

M/s K.V.Babu

For Respondent(s):

M/s.Anish Gopi

for R1 to R16

Mr.R.Thiagarajan

for R17



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ORDER

This application was filed by the applicant/2nd respondent/2nd defendant to revoke the leave granted in A.No.1190 of 2025 dated 10.03.2025 and strike off the Suit.

2(a). According to the applicant Trust, Mr.K.C.Pallanishamy and Mr.Manohar Sangilimuthu @ R.S.Manohar are the Chairman-cum-Managing Trustee and Treasurer cum Joint Secretary of the applicant Trust and the Suit has been instituted by the respondents 1 to 16/plaintiffs, claiming themselves to be the Members of the 24 Manai Telugu Chettiar, for settling a scheme of amalgamation of the two different Trusts into a single unified entity along with a scheme for effective functioning of the Trust and fulfilment of their charitable objectives, approve the appointment of new Board of Trustees, to transfer all the assets, liabilities and obligations to the amalgamated Trust and order dissolution of separate entities upon such successful amalgamation and for other reliefs.



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WEB COPY (b) In fact, the Suit instituted is an abuse of the process of Court.

Already the respondents 1 to 16, have originally filed an application in A.No.1190 of 2025 to grant leave to them to initiate the Suit under Section 92(1) of C.P.C. Though the respondents 1 to 16 claim themselves to be from the community of 24 Manai Telugu Chettiyar, these persons are not known for involving any of the Trust activities being carried out by the applicant Trust and therefore, on the short ground, the leave that has been granted by this Court in A.No.1190 of 2025 dated 10.03.2025 under Section 92(1) of C.P.C., without even issuing notice to the applicant Trust, has to be revoked.

(c). In a case of this nature under Section 92(1) of C.P.C., leave has to be necessarily obtained from the Court. But however, before such leave is being granted, notice has to go to the parties concerned, who have been cited as respondents in such application. Surprisingly, in the instant application in A.No.1190 of 2025, no notice whatsoever has been ordered and the leave has been granted without any notice to the applicant Trust.



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Unfortunately, true facts have not been brought to the knowledge of this Court and by misrepresenting the facts relating to the entire issue, a leave has been obtained without even notice to the applicant Trust. Therefore, the petitioner filed the present application.

3.(a) According to the 17th respondent/1st defendant, the present Suit has been instituted by certain disgruntled elements who are not interested in the welfare or well-being of the 24 Manai Telugu Chettiar Educational and Charitable Trust. The 24 Manai Telugu Chettiar Charitable Trust has nothing to do with 24 Manai Telugu Chettiar Educational and Charitable Trust/17th respondent.

(b). The 24 Manai Telugu Chettair Chartiable Trust filed a Suit in C.S.No.205 of 2024 before this Court for the relief of permanent injunction restraining the defendants in any manner interfering with the plaintiffs' peaceful possession and enjoyment of the suit schedule property and for cost.



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(c) The intention behind filing the Suit as against 24 Manai Telugu Chettiar Chartiable Trust is only to grab the property over which the 17th respondent/2nd defendant/24 Manai Telugu Chettiar Educational and Charitable Trust has a valid subsisting agreement for sale in favour of 24 Manai Telugu Chettiar Educational and Charitable Trust. Ever since the agreement for sale dated 15.07.1978, the 24 Manai Telugu Chettiar Educational and Charitable Trust has been in possession and enjoyment of the property situated at Old No.155, New No.203, EVR High Road, Kilpauk, Chennai – 600 010. The plaintiffs/respondents 1 to 16 have no interest in the affairs of the Trust nor they are members of the Trust or beneficiary under the Trust. However, the Suit came to be filed with the leave of the Court, which has been granted, subsequently, the Suit has been numbered as C.S.No.54 of 2024 pursuant to the leave granted in A.No.1190 of 2025 dated 10.03.2025.

(d) The 24 Manai Telugu Chettiar Educational and Charitable Trust, has retrieved original documents after discharging the mortgage to the



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Central Bank of India, China Bazaar Branch and liquidated the liability of Mayavaram Financial Corporation Ltd., on behalf of the vendors. They have been in possession and enjoyment of the property and paying the statutory dues payable in respect of the property in the name of the Trust. The plaintiffs/respondents 1 to 16 are unconnected with the Trust, making vexatious and frivolous allegations and got leave to institute this Suit.

(e) The 24 Manai Telugu Chettiar Educational and Charitable Trust has its own constitution and is being managed and administered by the Trustees according to its bylaws and rules framed thereunder. The 17th respondent/1st defendant has filed applications in A.Nos.5176, 5177 and 5178 of 2024 for impleading its Trust as a necessary party in C.S.No.205 of 2024, and all the applications came to be dismissed vide a common order dated 13.11.2024. As against the said dismissal order, the 17 respondent / 1st defendant preferred O.S.A.Nos.34, 40 and 43 of 2025 before the Division Bench of this Court and the same is also pending.



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(f) The applicant Trust/2nd defendant who has filed the application has no locus-standi and admittedly it is a rival charitable organization that bears the identical name of that of the 24 Manai Telugu Chettiar Educational Charitable Trust, with a view to confuse the minds of the Court, thereby, interfering with the functioning as trustees/members and also to grab the property of the Trust. The applicant Trust is an utter stranger to the present application, who cannot question the grant of leave by this Court and therefore, the application is liable to be dismissed.

4. (a) According to the 1st respondent/Mr.G.Paulpandian, he is the 1st applicant in A.No.1190 of 2025 and the 1st plaintiff in the main suit. The main suit viz., C.S.No.54 of 2025, was filed by the respondents 1 to 16/ plaintiffs to settle a scheme of amalgamation of two different Trusts, namely 24 Manai Telugu Chettiar Charitable Trust (applicant herein) and 24 Manai Telugu Chettiar Educational and Charitable Trust (17th respondent herein) into a single unified entity, *inter alia*, with a scheme that provides



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for effective functioning of the Trusts and fulfilment of their charitable objectives, approve the appointment of the new board of trustees as proposed, direct the transfer of all assets, liabilities and obligations to the amalgamated trust and order the dissolution of the separate entities upon successful amalgamation.

(b) The grant of leave under Section 92(1) of C.P.C., is a matter between the Court and the applicant and mere non-issuance of the notice would not render the Suit itself untenable. Even if the notice ought to have been ordered, no effective objection can be raised either by the applicant Trust or by the 17th respondent Trust against its institution. Though the office bearer of the applicant Trust has made a falsified assertion that facts have been misrepresented, it would be open for them to assail the truthfulness of the contentions forming a part of the plaint by filing a written statement in the Suit. The applicant Trust has failed to carry out any of the charitable objectives alleged to have been the intention behind its creation. The applicant Trust has only sought to create a paper trial,



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vis-a-vis the disputed property without discharging its functions since its inception in 2007. The essential function of the Trust is to create educational institutions that are free from discrimination based on caste, creed, community, gender or colour.

(c) The respondents 2 to 16/plaintiffs belong to the 24 Manai Telugu Chettiar Community. The applicant Trust intended to benefit the said community. The applicant Trust/2nd defendant and the 17th respondent/1st defendant were established with similar goals of serving the community members. The current circumstances have led to a situation where neither of them was fulfilling those objectives. In fact, creating an amalgamation scheme would resolve and all ongoing litigations between the parties and ensure that the combined resources of both Trusts can be directed towards the improvement of the community and the amalgamation would foster unity among the community members and eliminate any existing divisions or duplications of effort. Therefore, the plaintiffs/respondents 1 to 16 filed the above Suit and the allegations levelled in the application have to be



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looked into at the time of trial and without trial, the said allegations cannot be established. Therefore, the application deserves to be dismissed.

5. (a) Mr.K.V.Babu, the learned counsel for the applicant Trust, would submit that the respondents 1 to 16/plaintiffs have filed a petition to grant leave to file a Suit under Section 92 of C.P.C., for framing a scheme to amalgamate the applicant Trust and the 17th respondent Trust. Both the Trusts are created for different purposes and managed by different Trustees. However, the respondents 1 to 16/plaintiffs for their personal interest filed this Suit and filed an application to grant leave. This Court, without issuing notice to the respondent in A.No.1190 of 2025, granted leave to the plaintiffs/respondents 1 to 16. In fact, the applicant trust was formed under a registered Trust Deed dated 27.11.2006. Thereafter, a supplementary Trust Deed was created on 22.10.2021, wherein new Trustees were inducted. For the purpose of meeting the objects of the Trust and also for the welfare of the community, the property which is the registered Office of the Trust, situated at New No.203, Old No.155, E.V.R.High Road, Kilpauk, Chennai



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— 600 010, was given on settlement by the Founder Trustee Mr.A.Vijayakumar, under a Deed of Settlement dated 13.01.2007. Subsequently, under another Gift Deed dated 24.05.2024, another property was also gifted to the applicant Trust.

(b) The applicant Trust has been engaged in various activities for the welfare of the community and has been periodically doing a lot of charitable activities by sponsoring education for poor among the community, besides creating free matrimonial events for the welfare of the community people and running magazines for the community people. While so, to disturb the smooth functioning of the applicant Trust, the 24 Manai Telugu Chettiargal Peravai, represented by its President Mr.P.L.K. Jagannatha Misra and the 24 Manai Telugu Chettiargal Tamil Manila Peravai, represented by its Secretary, Mr.V.Gopalakrishnan, have attempted to knock away the property belonging to the applicant Trust and attempted to encroach upon the property, erected two hoardings in front of the premises belonging to the applicant Trust. Therefore, the applicant Trust filed a Suit in C.S.No.205 of



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2024 and obtained an interim injunction in O.A.No.638 of 2024 on 09.09.2024. Wherein, the 17th respondent/1st defendant herein filed an application A.No.5176 of 2024, to implead the Trust as a necessary party and the same was dismissed by this Court on 17.11.2024. While so, the present Suit instituted by the respondents 1 to 16/plaintiffs is purely an afterthought, at the instance of the 17th respondent/1st defendant to create confusion among the community.

(c) The present Suit was filed after dismissal of the impleading application filed by the 17th respondent/1st defendant and the other respondents 1 to 16/plaintiffs, who are in no way concerned or involved in any activities of the applicant Trust. Therefore, absolutely no event that has taken place to file this Suit under Section 92 of C.P.C., and none of the criteria mentioned under Section 92 of C.P.C., would fall within the ambit of the instant case for the purpose of granting the relief prayed in the Suit. If the respondents have a genuine interest, they ought to have brought their records, all the societies as defendants against whom this applicant Trust



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has filed the Suit. Therefore, the respondents 1 to 16 misrepresented this Court and obtained an order of leave with an intent to disturb the smooth functioning of the applicant Trust, the present suit is filed, which is only an abuse of the process of the Court. Therefore, the leave granted by this Court in A.No.1190 of 2025 is liable to be revoked and the suit has to be strike off.

6.(a) The learned counsel appearing for the respondents 1 to 16/plaintiffs would submit that the respondents belong to the 24 Manai Telugu Chettiyar community and there are two different Trusts created by the Trustees in the name of the applicant and in the name of the 17th respondent. Both the Trusts are not performing the objects of the Trusts. Therefore, they filed the present Suit to settle a scheme by amalgamating both the Trust. This Court, after satisfying the averments of the plaint and the application, has already granted leave and the mere non-issuance of the notice before granting leave alone would not render the Suit itself untenable and if the applicant Trust has any objections, it can raise its objections



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through the written statement. There is no prejudice that would be caused to either of the Trusts merely owing to the fact that the leave was granted by this Court.

(b) The documents filed by the applicant Trust along with the applications have only arisen out of certain events that were conducted by the applicant Trust in the year 2024, after the filing of Suit in C.S.No.205 of 2024, only for the purpose of the Suit. The applicant has not fulfilled its obligation to provide social services to the underprivileged. There exists a considerable gap between the charitable objectives of the applicant trust and the actual distribution of resources. The misallocation has led to an inability to provide vital services to those who are most in need within the community.

(c) Both the applicant Trust and the 17th respondent Trust though established with similar goals of serving the community members, the current circumstances have led to a situation where neither of those



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objectives was fulfilled. In fact, creating an amalgamation scheme would resolve all ongoing litigations between them and ensure that combined resources of both Trusts can be directed towards the improvement of the community. Therefore, this Suit has been filed. Hence, there are no grounds to revoke the leave granted by this Court and thus, the application filed by the applicant Trust to revoke the leave granted by this Court in A.No.1190 of 2025 is liable to be dismissed.

7. The learned counsel appearing for the 17th respondent/1st defendant reiterated the averments of the counter filed by them.

8. This Court heard both sides and perused the records.

9. This application is filed by the applicant Trust to revoke the leave granted to the respondents 1 to 16/plaintiffs, who have filed the Suit. The main Suit has been filed to settle a claim to amalgamate the applicant Trust and the 17th respondent Trust on the ground that both the objects of the



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Trusts have not been fulfilled and the amalgamation will serve the purpose of the creation of the Trust for the benefit of the 24 Manai Telugu Community people. The plaintiffs/respondents 1 to 16, have filed an application before this Court in A.No.1190 of 2025, where this Court has granted leave, without issuing notice to the respondent in that application and now the case is pending. After serving summons in the Suit the second defendant/applicant has filed this application to revoke the leave granted by this Court in A.No.1190 of 2025 dated 10.03.2025.

10. The main contention raised by the applicant Trust is that two different Trusts were formed for different purposes and the amalgamation is not possible and already the applicant Trust has filed a Suit in C.S.No.205 of 2024 against one 24 Manai Telugu Chettiargal Peravai and 24 Manai Telugu Chettiargal Tamil Manila Peravai, where the 17th respondent/1st defendant filed an application to implead it as one of the parties in A.No.5176 of 2024 and the same was dismissed. At the instigation of the 17th respondent/1st defendant, the present Suit has been filed by the



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respondents 1 to 16/plaintiffs. The applicant Trust is fulfilling the objects that were created to run the Trust and only on personal vengeance, the present Suit has been filed and without issuing notice, the Court has granted leave. Hence, the order has to be revoked.

11. To support the contention of the learned counsel for the applicant Trust. He submitted the following Judgments:

(i) *Vidyodaya Trust vs. Mohan Prasad R. and others* reported in *AIR 2008 SC 1633*

(ii) *Bishwanath and others vs. Thakur Radhaballabhji and others* reported in *AIR 1967 SC 1044*.

(iii) *R.Janakiraman and others vs. C.B.M., Sakunthala Memorial Trust and others* reported in *Manu/TN/2911/2025*.

12. On a careful perusal of the above-said Judgments, it is clear that only the Suits which, besides claiming any of the reliefs, are brought by individuals as representatives of the public for vindication of public rights



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can be brought under Section 92 of the Civil Procedure Code. The Courts have to be careful to eliminate possibility of Suit being laid against public trust under Section 92 of the C.P.C., by persons, whose activities are not for the protection of interest of public trust and to invoke of Section 92 of C.P.C., three conditions have to be satisfied, namely:

- (i) The trust is created for public purposes of a charitable or religious nature;
- (ii) there was a breach of trust or a direction of Court is necessary in the administration of such a trust; and
- (iii) the relief claimed is one or other of the reliefs enumerated therein.

If any of the three conditions is not satisfied, the suit falls outside the scope of the said Section.

13. The learned counsel appearing for the respondents have relied on the Judgment of the Divisional Bench of this Court in ***Regeena and***



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Another Vs Jeppiaar Sheela and Others reported in ***2020 SCC Online Mad 28442.***

14. On a careful perusal of the above judgment, it is clear that the plaintiff who seeks grant of leave to sue, must show that there was an alleged breach of any express or constructive trust created for public purpose of a charitable or religious in nature or for breach of any directions of the Court issued thereof. The test for determining the correctness or otherwise for the allegations made in the plaint cannot be gone into at the time of granting leave, and it can be gone into only during the course of trial. While granting leave, the Court is only required to *prima facie* satisfy itself that there exist some breach of the terms and conditions, either express or constructive in relation to affairs and management of a public trust.

15. In the case on hand, already this Court granted leave to sue the plaintiffs/respondent 1 to 16 and the Suit is pending. The allegations levelled in the application have to be decided at the time of trial. Even as



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per the Judgments relied upon by the learned counsel appearing for the applicant Trust, three conditions have to be satisfied:

(a) The Trust is created for the public purpose of a charitable or religious in nature. The condition is fulfilled.

(b) There was a breach of trust or a direction of the Court is necessary in the administration of such trust. Here, according to the plaintiffs, there are allegations in respect of breach of trust and the direction of the Court is necessary in the administration of such a trust.

(c) The relief grant is one or other of the relief enumerated in Section 92 of the C.P.C. This suit is filed for settling scheme for amalgamation of two separate Trusts.

16. On perusal of records, they revealed that all three conditions have been fulfilled in this case and the allegations levelled in the application have to be tested through trial and the averments made in the plaint also have to be tested during the trial.



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17. Therefore, there are no grounds to allow this application and it is not appropriate to revoke the leave granted by this Court in A.No.1190 of 2025 and this application has no merits and deserves to be dismissed. However, all the grounds raised in this application by the applicant Trust can be taken as a defence in the main Suit.

18. Accordingly, this application is dismissed.

19-09-2025

dk

To

1. G.Paulpandian And 16 Others
Residing at New No.15,
New Soliappan Street,
Old Washermenpet, Ch-21

2. G.Manoharan
N.18/2, Appiar Lane, Royapuram, Ch-13

3. A.Manoharan
N0.87/34, Nethaji Nagra, 5th st,
Todiarpeta, Chennai-81

4. L.Krishnan
N.199/72, Nethaji Nagar,
3rd Street, Tondiarpet, Chennai-81



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5. M.Kanagarajan
No.4/5, Mannappan Lane,
Ondiveeran Street,
Korukkupet, Ch-81
6. P.Gajendran
No.168/74, Nethaji Nagar,
4th street, Tondiarpet, Ch-81
7. V.R.Ganesan
No.17/8, Balu Mudhali Street,
Old awshermenpet, Chenna-21
8. K.Krishnamurthy
No.14/11, Kalingarayan Street,
3rd Lane, Old Washermenpet, Ch-21
9. Rajendran Ganesan
No.17, NRT Road, Casa Grand Masseys,
12th Floor, K7, Royapuram, Ch-13
10. B.Sundarapandi
No.8, Ellaya Street,
Prince Village-II, Tondiarpet, Ch-81
11. R.Baskaran
C3/301, No-8, Ellaya Street,
Prince Village-II, Tondiarpet, Ch-81
12. D.Sureshkumar
Old.No-55/1, New No.127/1,
P.V.Koil Street, Royapuram, Ch-13
13. M.Chandrasekaran
No.14/27, Flat No-2-B, 2nd Floor,
Madha Church Street, Royapuram, Ch-13



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14. R.Vijayakumar
No.33, Prince Village, B5,
Plot No.306, Ellaya Street, Tondiarpet, Ch-81

15. G.Panneerselvam
Deccan Kalpataru, B Block, No.307,
3rd Floor, School Road First Street,
New Kumaran Nagar, Sholinganallur,
Chennai-600119

16. G.Chandramohan
No.27, Sakthivel Nagar, 2nd Main Street,
Puzhal, Ch-66
Plaintiffs 2 to 16 represented by their duky
appointed Power agent,
G. Paul pandian, the 1st Plaintiff
Having address at New.No-15,
New Soliappan Street, Old Washermenpet, Ch-21

17. 24 Manai Telugu Chettiar Educational Chariatable Trust
Rep.by its Managing Trustee,
Having Office at No-256 and 257
Mint Street, ch-3



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