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OA No. 962 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

OA No. 962 of 2024

in C.S.No.68 of 1995

1. B.Balaji

S/o.Balaraman, No.3/7, Veeraperumal
Koil Street, Mylapore, Chennai 600
004.

2. S.Prakash

S/o.Sriramulu, No.24, Veerabadran
Street, Mylapore, Chennai 600 004.

Applicant(s)

Vs

1. U.Shankar and 11 others

S/o.Sri Ramulu, No.23, Veeraperumal
Koil Street, Mylapore, Chennai 600
004.

2.S.Jayakumar

S/o.K.Sreenivasan,No.2/1,
Vanchinathan 2nd Street, Perambur,
Chennai 600 011.

3.S.Manivannan



S/o.Srinivasan, No.116/6, Sivagami
Street, Perambur, Chennai 600 011.

4.G.Raja

S/o.Govinda Chettiar, No.4/18, Subbu
Street, L.B.Road, Thiruvanmiyur,
Chennai 600 041.

5.H.Dinesh Babu

S/o.M.Haridas Chettiar, No.22, OMR
Salai, Kandanchavady, Chennai 600
096.

6.S.Selvaraj

S/o.s.Umapathy Chettiar, No.15/29,
Veerabadiran Street, Mylapore, Chennai
600 004.

7.T.Balaji

S/o.A.Thiruvengadam, No.2, Kalki
Krishnamurthi Salai, L.B.Road,
Thiruvanmiyur, Chennai 600 041.

8.A.G.Suresh Babu

S/o.A.Ganesh Chettiar, No.7/4,
Vanchinathan 1st Street, Perambur,
Chennai 600 011.

9.M/s.Union Bank of India

Rep.by its Manager, Mylapore Brach,
No.6, North Mada Street, Mylapore,
Chennai 600 004.

10.M/s.UCA Bank

Rep.by its Manager, Mylapore Branch,



No.195, Royapettah High Road, Thiru
Vi Ka Salai, Mylapore, Chennai 600
004.

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11.M/s.Indian Bank
Rep.by its Manager, Mylapore Branch,
No.111, Luz Church Road, Mylapore,
Chennai 600 004.

12.M/s.Canara Bank
Rep.by its Manager, Triplicane Branch,
No.287, Natesan Salai, Triplicane,
Chennai 600 005.

Respondent(s)

PRAYER: Application is filed to pass an order of Interim injunction restraining the respondents from interfering with the Applicants from discharging their duty as Trustee based on their election result dated 26/12/2021 for the trust/Devasthanam namely Sri Sundara Vinayagar Sri Selva Vinayaga Sri Anjaneyar Devasthanam, pending disposal of the above application in C.S.No.68 of 1995.

For Applicant(s): M/s.Adinarayana Rao

For Respondent(s): Mr Prakash Goklany
For R1 To R5

ORDER



This application has been filed seeking an order of injunction restraining the respondents from interfering with the applicants from discharging their duty as Trustee based on their election result dated 26.12.2021 for the trust / Devasthanam namely Sri Sundara Vinayagar Sri Selva Vinayagar Sri Anjaneyar Devasthanam, pending disposal of the application in C.S.No.68 of 1995.

2. The applicants are the erstwhile Trustees of the above Trust. During the pendency of this application an order has been passed by this Court on 14.07.2025 to the following effect:

“ .. 5. But even otherwise, let the General Body Meeting be conducted on 27.07.2025 and other among agenda, which is to be discussed, let one specific subject be relating to the conducting of fresh elections for the five posts of trustees.

6. It is also stated on behalf of the respondents that among the two applicants, the first applicant was nominated as the Chairman of the elected members. It is stated that both the applicants had not been removed as trustees. Therefore, both the applicants should also be permitted to participate in the General Body Meeting.

7. Let the General Body Meeting be convened on 27.07.2025. There was a request that it should be convened in the presence of the



learned Advocate Commissioner, but it may not be proper on the part of this Court to presume that it would not be conducted in a proper manner.

Let it be convened and I would leave it to the wisdom of the members to uphold their dignity during the General Body Meeting. If it is required the trustees may take a decision to videograph the entire proceedings.”

3. An affidavit has been filed stating that a General Body Meeting has been announced for 27.07.2025 consequent to the orders of the Court and that the issues raised by the applicants in the above application will be taken for deliberation in the upcoming General Body Meeting under the agenda title “Other issues”. Subsequent to 27.07.2025 the applicants have filed objections dated 01.08.2025 stating that a General Body Meeting has been conducted on 27.07.2025 and in the said meeting majority of the members wanted fresh elections. It is further stated that the respondents refused to acknowledge the same and 183 members were not allowed to attend the meeting and they have sent a written request to the first respondent and the first respondent refused to receive their representation. All the members who had given representation wanted re-election but the minutes has been passed without the knowledge of



the applicants.

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4. On perusing the copy of the minutes submitted by the first respondent, it is seen that a resolution has been passed that it will take at least four months to initiate the election process which will incur a lot of expenditure. As consecration ceremony is going to happen in the said temple shortly, it is felt unnecessary to conduct the election and hence till the next election which is due on December, 2026, the existing Trustees can participate in the meetings and continue to execute their functions. Thus, if the applicants wish to contest in the election for the trustee post once again, they are at liberty to file appropriate application in accordance with the terms of the scheme decree.

5. The grievance of the applicants to file this application is that the respondents are interfering in the functions of the applicants which they discharge in their capacity as “Trustees”. As the resolution itself has been passed not to conduct the election and that has been accepted by the first respondent also, it would only imply that these applicants who continue to



occupy the post of “Trustees” can continue their post until the next election is conducted and new Trustees will be elected thereafter. As the contesting respondents 1 to 5 are also aware of the resolution passed for conducting election during the month of December, 2026, there cannot be any reasonable apprehension in the mind of the applicants that they will not be allowed to function as “Trustees” until the completion of their tenure of five years.

6. As per the scheme decree, the trustee shall hold office for a period of five years. Since the Board of Trustees shall elect the Chairman among themselves, in the first meeting, the first respondent has been elected as Chairman and he has been functioning as the Chairman so far. It appears that the applicants have got misunderstanding with the first respondent and the other two trustees / respondents 2 and 3. All that happened because of the notices that has been issued by the respondents 1 to 5 by announcing the date of the General Body Meeting and in the said notices instead of the names of the applicants, the name of the respondents 4 and 5 has been shown as Trustees. Even if some of the elected Trustees do not come for the meeting, removing them from trusteeship for not functioning as Trustees, can be taken only in the manner



devised in the scheme decree and in accordance with the whims of respondents

1 to 3. The first respondent, being the Chairperson, is expected to give respect to all the Trustees who are inclusive of the applicants also. As the General Body Meeting resolutions have been passed to continue with the same Board of Trustees until the next election, the respondents 1 to 3 are not expected to join with the respondents 4 and 5 as though they have been substituted in the place of the applicants 1 and 2 in their capacity as trustees.

7. Now the learned counsel for the respondents 1 to 5 submitted that they are not going to interfere with the roles that can be played by the applicants as Trustees and they will be invited to all the meetings in the usual pattern as how it is being extended to all trustees without involving any third parties. The learned counsel for the respondents 1 to 5 further submitted that the earlier application in O.A.No.749/2022 filed for seeking the very same relief has been dismissed as not pressed. The learned counsel for respondents 1 to 5 contended that two similar applications cannot be filed for similar cause of action.



8. On perusal of the affidavit of the applications filed in the earlier application in O.A.No.749/2022, it is seen that the application itself has been filed on 02.07.2022 by alleging the cause of action that has arisen prior to the said date. In fact the said application has been received in the Court on 22.07.2022. In the present application there is a cause of action stated with regard to the General Body Meeting which has to be conducted on 24.07.2022 and it was conducted subsequent to the earlier application. Hence, the withdrawal of the earlier application cannot be considered for the reason not to maintain the present application.

9. On perusal of the counter filed by the respondents 1 to 3, it is stated that the applicants, instead of participating in the General Body Meeting, have chosen to go before public on 18.02.2022 and issue a public notice by condemning and warning the General Body Members and further issued a stern warning of legal notice. It is also seen that the Trust Board issued a communication dated 10.5.2022 to the applicants to hand over the records, minute books and key of lockers containing the jewellery of the Trust Board on



the allegation that they were being withheld unlawfully by the applicants. It is further submitted that the first and second applicants seized to discharge their duties following the meeting held on 08.01.2022 and 03.02.2022. Even if there is confusion in holding the meetings and discharging the functions due to non-participation of any of the Trustees, then the remaining Board of Trustees have to act only in accordance with the procedure contemplated in the scheme decree or in the absence of any such procedure to get an order of the Court by filing an appropriate application.

10. No individual trustee or more than one trustee can take the administration of the Trust without being conscious of their identity as one Board. It only appears that there is no understanding between the applicants and the respondents 1 to 3. In the General Body Meeting that has been held as per the orders of this Court, it has been resolved that the existing Board shall continue until the next election and hence, at least hereafter, there cannot be any rift between the trustees. Neither the applicants choose to participate in the meetings, nor the respondents 1 to 3 shall take their own decisions without



getting any further directions from the Court.

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11. As the respondents 1 to 3 have stated that they are not going to obstruct the activities of the applicants in their capacities as “Trustees” and they are at liberty to participate in the proceedings for the purpose of discharging the functions of the Trust, I feel the application does not require any further orders other than the observations already made.

12. In view of the above observations, this application is closed.

12-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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R.N.MANJULA J.

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