



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.04.2025**

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**CORAM:**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**AND**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A.(MD)Nos.244 of 2025 & 2386 of 2024**

**and**

**C.M.P.(MD)Nos.1712 and 6808 of 2025 and 16484 & 16485 of 2024**

**W.A.(MD)No.244 of 2025**

K.Marudhu

... Appellant

-Vs-

1.Murugan alias Ramamurthy

2.The District Registrar (Societies),  
Registration Department,  
Tiruchirappalli.

3.The Branch Manager,  
State Bank of India,  
Pattavaithalai Branch,  
Tiruchirappalli.

4.The Branch Manager,  
Canara Bank,  
Sri Ramakrishna Thabovanam Branch,  
Tiruchirappalli.

5.The Inspector of Police,  
All Women Police Station,  
Jeeyarpuram, Trichy.

6.Brahmachari K.Veerachandran

... Respondents



**PRAYER:** Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.06.2024 (as modified on 03.09.2024) made in W.P. (MD)No.9453 of 2024 on the file of this Court.

For Appellant : Mr.H.Mohamed Imran,  
for M/s.Ajmal Associates  
For R1 : Mr.K.Govindarajan,  
for Mr.R.Murali  
For R2 : Mr.R.Suresh Kumar,  
Additional Government Pleader  
For R3 : Mr.V.Balasubramanian  
For R4 : Mr.P.Madhan Alexandar  
For R5 : Mr.A.Albert James,  
Government Advocate (Crl.Side)  
For R6 : Mr.S.Muthukrishnan

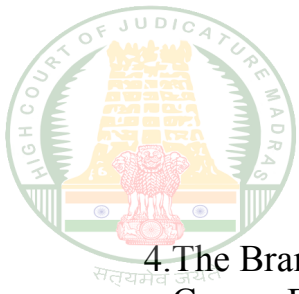
**W.A.(MD)No.2386 of 2024**

1.Karuppaiah  
2.Parthiban  
3.Dhanasekar

... Appellants

-Vs-

1.Murugan @ Ramamurthy  
2.The District Registrar (Societies),  
Registration Department,  
Tiruchirappalli.  
3.The Branch Manager,  
State Bank of India,  
Pattavaithalai Branch,  
Tiruchirappalli.



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7.K.Marudhu

... Respondents

**PRAYER:** Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.06.2024 made in W.P.(MD)No.9453 of 2024 on the file of this Court.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Appellants | : Mr.B.Jameelarasu                                     |
| For R1         | : Mr.K.Govindarajan,<br>for Mr.R.Murali                |
| For R2         | : Mr.R.Suresh Kumar,<br>Additional Government Pleader  |
| For R3         | : Mr.V.Balasubramanian                                 |
| For R4         | : Mr.P.Madhan Alexandar                                |
| For R5         | : Mr.A.Albert James,<br>Government Advocate (Crl.Side) |
| For R6         | : No Appearance                                        |
| For R7         | : Tapal Due                                            |



## COMMON JUDGMENT

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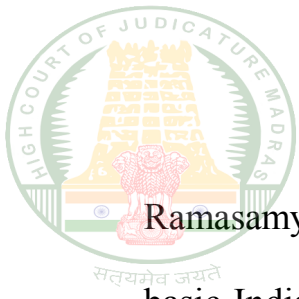
[Judgment of the Court was delivered by ***S.SRIMATHY, J.***]

The above writ appeals are arising from common issues, hence both taken together and common order is passed.

2.(i) W.A.(MD)No.244 of 2025 was filed against the order dated 03.09.2024 passed in W.P.(MD)No.9453 of 2024. The said writ petition was filed for issuance of Writ of Certiorarified Mandamus to quash the order dated 30.01.2024 passed in Na.Ka.No.15818/Aa3/2023 by the 1<sup>st</sup> respondent thereunder and consequently to direct the 1<sup>st</sup> respondent to approve the Form VII dated 04.10.2023 submitted by the petitioner in respect of society bearing Registration No.44 of 1967. The said writ petition was disposed of with certain directions.

2(ii) W.A.(MD)No.2386 of 2024 was filed against the same order dated 03.09.2024 passed in W.P.(MD)No.9453 of 2024 by the third parties to the writ petition.

3.(i) The brief facts are that Sri Ramachandra Kudil (hereinafter referred as Kudil) was started in the year 1949 as an orphanage by Bramhachari



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Ramasamy with noble object to help the poor people and for their welfare through basic Indian Culture. During his life time he donated various properties and also developed the organisation through contributions by well-wishers. Then the Kudil was registered as Society on 09.10.1967 assigned with Registration No.44/1967. Now the Kudil is having various properties, also has a school and orphanage functioning in Thirupparaithurai and exempted under 80G of Income Tax Act. The society is the owner of land in S.No.1/4 and 2/1A, Sirugamani Village, Srirangam Taluk and a coconut grove.

3.(ii) As per Form VI submitted before the 1<sup>st</sup> respondent on 10.10.2022, the total members of the society are 12, among them President, Secretary are elected and the petitioner was elected as Treasurer, then Form VII was submitted. The society general body meeting was conducted in the presence of District Registrar on 18.09.2022 and the video footage is available for the same. The administration is in the hands of Brahmacharis. However, some of them are involved in POCSO offences against the orphanage students and facing criminal prosecution in Crime No.7 of 2023 on the file of All Women, Police Station, Jeyarpuram, Trichy and out of 12 members three persons namely Parthiban, Dhanasekar and Karuppaiah were arrested in the case and the same was published in newspapers during August 2023.



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3.(iii) The 5<sup>th</sup> respondent claiming himself as Secretary and 6<sup>th</sup> respondent as Secretary of the society are attempting to create records in their favour and further swindling the money from 2<sup>nd</sup> and 3<sup>rd</sup> Bank. The 5<sup>th</sup> respondent was an accomplice of the offence. Hence, the majority of the members decided to remove the arrested persons and the 5<sup>th</sup> respondent. The 5<sup>th</sup> respondent who was only a member and not having any post, after arrest of members under POCSO, illegally created as if he is appointed himself as President-cum-Treasurer on 12.08.2023 (i.e. one day before the arrest of Karuppaiah) and remove all duly appointed members and illegally sought to induct 11 persons close to him as members with the ulterior motive of grabbing the properties. Infact the proper secretary is one Marudhu, he was out of the country during the period and took advantage of the same and created records and attempted to handle the funds for his personal welfare.

3.(iv) As per Form VI submitted during September 2022, there are 12 members, among them three are arrested, one Karuppaiah resigned, 5<sup>th</sup> respondent was an accomplice. In such circumstances the other members had convened Extra Ordinary General Body Meeting on 03.10.2023 wherein the accused were removed and some new members were inducted and now the following are the members:

i. Thiru.Muruthu



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- ii. Thiru. Murugan @ Ramamurthy
- iii. Thiru. Maharajan Chidambaram
- iv. Thiru. M. Subramanian
- v. Thiru. Sambasivan
- vi. Thiru. Muthusamy
- vii. Thiru. Justice R. Raghupathy
- viii. Thiru. Chandramohan
- ix. Dr. P. V. Narasimha Rao,
- x. Thiru. Ilamkumar Sampath
- xi. Thiru. Suresh

It was also resolved to issue notice to the 5<sup>th</sup> respondent for taking disciplinary action for his illegal act of calling as President-Cum-Secretary, seeking to admit 11 new persons, financial irregularities along with arrested persons on 04.10.2023. Further a detailed complaint was filed with the District Registrar of Societies, Trichy about the mismanagement, swindling of funds, falsification of records, sexual harassment and other breach of rules by four persons namely Karuppaiah, Veerachandran, Partheepan, Dhanasekaran and requested to conduct enquiry and remove them based on the resolutions. The enquiry was initiated and the petitioner attended the same on 28.11.2023, but the said Veerachandran did not attend the enquiry. The above details are submitted by way of Form VII on 04.10.2023.

3.(v) In the meanwhile, the Karuppaiah was released on bail on 18.10.2023. It is the specific case, that the accused persons who are released on bail visiting Kudil and accessing all the facilities including the financial benefits



through 5<sup>th</sup> respondent. The visit of the accused to Kudil would destroy the witnesses and confidence upon the prosecution, moreover the 4<sup>th</sup> respondent has to ensure not to visit the Kudil. Further the government aided school is functioning in the said place and the visit of the accused would create problem. Hence a detailed representation was submitted on 29.08.2023 and 28.11.2023 to the 1<sup>st</sup> respondent to approve the Form VII. Further it was requested to the respondents 2 and 3 not to release funds to wrong people. In spite of the same the respondents 3 and 4 are allowing the 5<sup>th</sup> respondent to operate the account. Even though the 1<sup>st</sup> respondent issued enquiry notice, the same was not effectively considered, hence the present writ petition.

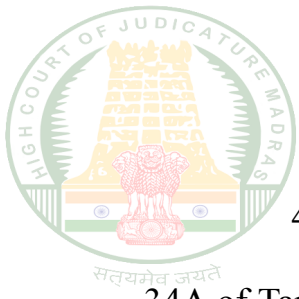
4.(i) After hearing the submissions of the parties, the Writ Court had held that some of them were arrested under POCSO, till they are exonerated / acquitted of the charges, the persons cannot be permitted to conduct the affairs of the society.

4.(ii) Further held under section 92 of CPC enables the Civil Court to remove a trustee in the case of alleged breach of trust. The Court had relied on the decision rendered in *Chennai Vazhal Duraiyur Nadar Uravin Murai Magamai Sangam v. K.A.Gurusamy* (2004 (1) CTC 481) and held that a sangam registered under the Registration of Societies Act could also be considered as a trust for the



purpose of attracting the provisions of Section 92 CPC. And relied on the case in Unknown v. Periyar Self Respect Propaganda (Order dated 11.08.2011 in Application No.2019 of 2011 in C.S (D) No.12244 of 2011) wherein the court has approvingly cited the same. It was also followed in 2012 3 L.W 532 in the case of Vallivalam Desikar Polytechnic Educational Society, Nagapattinam v. Registrar of Societies. Section 92 was invoked even though one of the managing agencies was a society and the other a trust, since the objects for which both were established were public charitable in nature.

4.(iii) Thereafter the Writ Court held that if a civil court can remove a trustee in case of breach of trust, such a power can be exercised by the High Court in exercise of jurisdiction under Article 226 of the Constitution in appropriate cases. In the present case, since the interest of children that too orphans children are involved and the general body of the society running the institution has only 12 members. Three of them are accused in POCSO Act and the membership will have to be suspended and they ought to be kept away from the management of the society considering the heinous act. Hence, the High Court by exercising its parens patriae jurisdiction the Writ Court held that the accused people status as members was suspended until they are honourably acquitted from the POCSO charges.



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4(iv) Further held under the extraordinary jurisdiction under section 34A of Tamil Nadu Societies Registration Act, 1975 the government has power to take over management of the society.

4(v) Under Section 36 of the Act, the 1<sup>st</sup> respondent will have the power to conduct enquiry and hence directed the 1<sup>st</sup> respondent to conduct enquiry after issuing notice to all the persons concerned and pass appropriate order on merits. Further directed to convene the general body meeting and stipulated conditions for the same.

4(vi) Aggrieved over the same the writ appeal in W.A.(MD)No.244 of 2025 is filed by the 6<sup>th</sup> respondent in the writ petition namely K.Marudhu. W.A. (MD)No.2386 of 2024 is filed by third parties in writ petition namely Karuppaiah, Parthiban, Dhanasekar, who are accused in the criminal case.

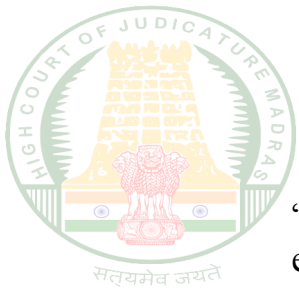
5. The primary contention of the appellants is that the pendency of criminal case cannot be cited to remove the appellants. The said contention is straight away rejected, since the appellants in W.A.(MD)No.2386 of 2024 were arrested under POCSO case. In such circumstances, the said members cannot be allowed to carry on the administration of the Kudil, especially when the Kudil is running a school. The claim of the accused cannot be considered until the person



is acquitted from the criminal case. Therefore, the Writ Court is right in rejecting the contention of the appellants.

6. The next contention of the appellants is that the previous general body meeting was convened on 01.08.2023 and the same was cancelled due to lack of quorum and absence of members of the committee. In such circumstances, the said Veerachandran had proclaimed himself as President-cum-Treasurer, hence the authority has rightly rejected the resolution. The said argument has two limbs. As far as the quorum of general body meeting is concerned the Writ Court after considering this issue had directed to reconvene the general body meeting and hence the contention of the appellants is incorrect. As far as the issue of self-proclamation of Veerachandran is concerned, this Court is of the considered opinion that the said Veerachandran has no right to self-proclaim himself as President-cum-Treasurer. The Writ Court had taken the same into consideration and has directed to convene a general body meeting and has issued directions to conduct the general body meeting. There is no illegality in the said direction, hence it is not warranting any interference.

7. The Writ Court has exercised the power under section 92 due to the extra ordinary circumstances and has recorded the reasons which are extracted hereunder:



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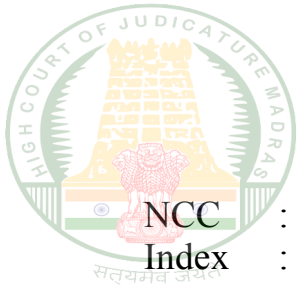
“Where interest of children is involved, the High Court may have to exercise its parens patriae jurisdiction. In the case on hand, the interests of orphans are involved. The general body of the society running the institution has only 12 members. It virtually means that everyone of them is in charge of the management of the institution. When three of them are accused in POCSO Act offences, their membership will have to be suspended and they have to be kept away from the management of the society. Such persons ought not to be even remotely connected with the affairs of the society. Considering the heinous nature of the allegations levelled against them, the Writ Court is compelled to exercise its extraordinary jurisdiction. This is necessary to prevent further victimisation. There could be tampering of witnesses. It is interesting to note that originally the same counsel represented Brahmachari K.Veerachandran, the President cum Treasurer as well as one of the prime accused. This shocked me and when I pointed this out, change of vakalat was filed for the President of the Society”.

The reasons stated by the Writ Court is convincing and this Court is concurring with the same. Therefore, this Court of the considered opinion that there is no illegality in the order warranting any interference.

8. The grounds raised by the appellants are already dealt with by the Writ Court and has answered, which needs no interference.

9. Accordingly, these Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**[J.N.B., J.] & [S.S.Y., J.]**  
**23.04.2025**



NCC : Yes / No  
Index : Yes / No



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*Yuva*

To

- 1.The District Registrar (Societies),  
Registration Department,  
Tiruchirappalli.
- 2.The Inspector of Police,  
All Women Police Station,  
Jeeyarpuram, Trichy.



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**J.NISHA BANU, J.**  
**AND**  
**S.SRIMATHY, J.**

*Yuva*

W.A.(MD)Nos.244 of 2025 & 2386 of 2024

23.04.2025