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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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|-----------------------------|--------------------------|
| <b><i>Reserved on</i></b>   | <b><i>08.10.2025</i></b> |
| <b><i>Pronounced on</i></b> | <b><i>06.01.2026</i></b> |

CORAM

**THE HONOURABLE DR.JUSTICE R.N.MANJULA**

A.Nos.342, 3095, 3096 & 3097 of 2025  
in C.S.No.117 of 1973

A.No.342/2025

Mr.Chiranjeevi Matcha,  
(Junior Family Member) Secretary and Correspondent,  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

... Applicant

/vs/

1. R.V.Prasad  
S/o. Mr.G.Rangaraju  
No.5A, Devaki Nagar,  
2<sup>nd</sup> Cross Street, Ponnamman Medu,  
Chennai – 600 110.

2. Mr.Hemanthh Kumar Pitti,  
Trustee – (Senior Family Member),  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

3. Dr.Matcha Vasantha Kumar  
Trustee – (Junior Family Member),  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

4. Dr.P.Sudhakar,  
Trustee – (Senior Family Member),  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

5. Mr.R.Sundararajan



Chartered Accountant, Trustee,  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

6. Dr.K.Thiyagarajan  
The Principal, Sir Theagaraya College,  
Ex-officio Trustee of Theagaraya College Educational Institutions,  
Old No.345, New No.1047, T.H.Road,  
Old Washermenpet, Chennai – 600 021.

7. Mr.G.R.Shankar,  
The Headmaster,  
Sir Theagaraya College Higher Secondary School,  
Ex-officio Trustee of Theagaraya College Educational Institutions,  
Old No.345, New No.1047, T.H.Road,  
Old Washermenpet, Chennai – 600 021.

... Respondents

Application is filed under Order XIV Rule 8 of O.S.Rules r/w. Section 92 and  
Section 151 of C.P.C. to reject the application in A.No.6770/2024 in C.S.No.117 of  
1973 as not maintainable.

A.No.3095/2025

Mr.Chiranjeevi Matcha, Trustee  
(Junior Family Member) Secretary and Correspondent,  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

...

Applicant

/vs/

1. G.Ravichandra Babu,  
S/o. G.Sreeramuthu,  
89, GN Chetty Street, Aran,  
Ponneri Taluk,  
Tiruvallur District – 601 101.

2. Hemanth Matcha, Trustee,  
(Senior Family Member),



Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

3. Dr.Matcha Vasantha Kumar  
Trustee – (Junior Family Member),  
Theagaraya Chetty Educational Institutions Managing Committee,  
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... Respondents

Application is filed under Order XIV Rule 8 of O.S.Rules r/w. Section 92 and  
Section 151 of C.P.C. to reject the application in A.No.2187/2025 in C.S.No.117 of  
1973 as not maintainable.



A.No.3096/2025

Mr.Chiranjeevi Matcha, Trustee  
(Junior Family Member) Secretary and Correspondent,  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021. ...

Applicant

/vs/

1. G.Ravichandra Babu,  
S/o. G.Sreeramuthu,  
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7. Mr.G.R.Shankar,  
The Headmaster,  
Sir Theagaraya College Higher Secondary School,  
Ex-officio Trustee of Theagaraya College Educational Institutions,  
Old No.345, New No.1047, T.H.Road,  
Old Washermenpet, Chennai – 600 021.

... Respondents

Application is filed under Order XIV Rule 8 of O.S.Rules r/w. Section 92 and Section 151 of C.P.C. to reject the application in A.No.2188/2025 in C.S.No.117 of 1973 as not maintainable.

A.No.3097/2025

Mr.Chiranjeevi Matcha, Trustee  
(Junior Family Member) Secretary and Correspondent,  
Theagaraya Chetty Educational Institutions Managing Committee,  
Old Washermenpet, Chennai – 600 021.

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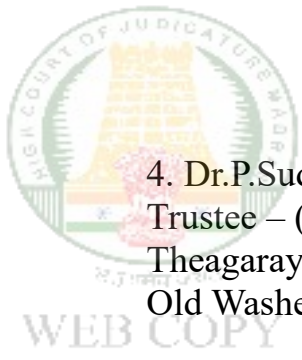
Applicant

/vs/

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Sir Theagaraya College Higher Secondary School,  
Ex-officio Trustee of Theagaraya College Educational Institutions,  
Old No.345, New No.1047, T.H.Road,  
Old Washermenpet, Chennai – 600 021.

8. P.Kumaraswamy,  
S/o. Munuswamy Chetty,  
Old No.159/1, New No.6,  
Sanjeevarayan Koil Street,  
Old Washermanpet,  
Chennai – 600 021.

9. Tahsildar,  
Office of the Tahsildar,  
Tondiarpet Circle, Chennai.

... Respondents

Application is filed under Order XIV Rule 8 of O.S.Rules r/w. Section 92 and  
Section 151 of C.P.C. to reject the application in A.No.2189/2025 in C.S.No.117 of  
1973 as not maintainable.



***In all cases:***

For Applicant : Mr.B.Ravi

For Respondents : Mr.D.Nagasaila for R1

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### **COMMON ORDER**

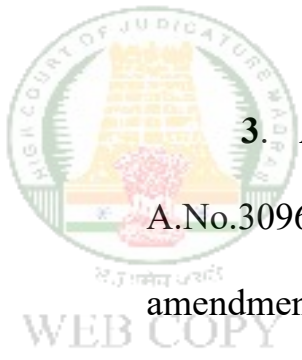
**A.No.342/2025** is filed to reject the application in **A.No.6770/2024** in C.S.No.117 of 1973, as not maintainable.

**A.No.3095/2025** is filed to reject the application in **A.No.2187/2025** in C.S.No.117 of 1973, as not maintainable.

**A.No.3096/2025** is filed to reject the application in **A.No.2188/2025** in C.S.No.117 of 1973, as not maintainable.

**A.No.3097/2025** is filed to reject the application in **A.No.2189/2025** in C.S.No.117 of 1973, as not maintainable.

2. A third party who is the first respondent in A.No.342 of 2025 has filed an application in A.No.6770 of 2024 seeking the relief of amending the Scheme for composition of the Trust of Theagaraya Chetty Educational Institutions (hereinafter referred to as “the Trust) by including the Old Boys (Graduate Constituency) in the Trust. This application in A.No.342 of 2025 has been filed by the Managing Committee of the Trust challenging the maintainability of the very application in A.No.6770/2024.



3. An another third party applicant who is the first respondent in A.No.3096/2025 has filed an application in A.No.2188/2025 by seeking the amendment of the Scheme by inserting provisions for appointment of independent authority to ensure that the names and addresses of all the family members constituency of the Trust and communicate it to all the family members at the conclusion of each terms of such Trustees and for appointment of independent authority to oversee the nomination process for the selection of four family members in accordance with the Scheme and in the event of disagreement, to give power to the independent authority to conduct election among the eligible family members to select the family representatives and to increase the number of non-family Trustees from the existing 2 to at least 5 non-family Trustees (excluding ex-officio members), by appointing independent professionals such as Engineers, Lawyers, Bankers, Financial Experts, Economists, Entrepreneurs, Bureaucrats, Retired Judges and Industrialists as Trustees of the Trust.

4. The Secretary and Correspondent of the Trust has filed an Application in A.No.3096/2025 challenging the maintainability of the same. But the very same applicant has filed another application in A.No.2188/2025 seeking for the relief of appointment of independent Auditor to conduct a forensic audit of the finances and all assets, movable and immovable of the Theagaraya Chetty Educational Institutions, Management and impose a surcharge of any individuals found in misappropriation.



5. The Secretary and Correspondent of the Trust has filed an application in A.No.3095/2025 challenging the maintainability of the application filed in A.No.2187/2025. The very same third party applicant who is the first respondent in A.No.3097/2025 has filed an application in A.No.2189/2025 to direct the Tahsildar to restore the patta in respect of 5.6 grounds in R.S.No.1868/2018 to the name of the Thiagaraya Chetty Institutions and Managing Committee. The Secretary and Correspondent of the Trust has filed an application in A.No.3097/2025 challenging the maintainability of the very same application.

6. Since all three applications have been filed by the applicant Trust with regard to the maintainability of three applications filed by the third parties seeking the relief of amending the Scheme and other reliefs, all these applications have been taken up together for hearing.

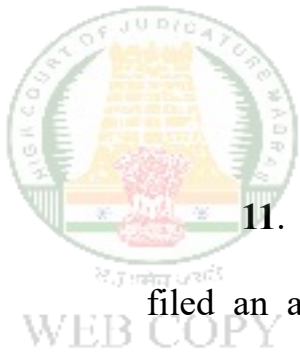
7. Heard Mr.B.Ravi, the learned counsel for the applicant and Mr.D.Nagasila, the learned counsel for R1.

8. Before advertng into the merits of these applications, a short background of the present Scheme under which the functions of the Trust is being carried out, needs to be given.



9. After the constitution of the trust and appointment of the trustees, an Original Petition had been filed in O.P.No.235/1931 to approve the trustees appointed. On 26.11.1931 a Scheme has also been made by an another order by filling up the vacancies in the Board of Trustees. The functions of the Trust were carried out well and its objects were fulfilled without any complaints.

10. In the year 1973, a few persons who claim to be the old students of the college of the Thiagaraya Chetty Educational Institutions, have filed a suit for declaration that the Scheme already framed and modified later, was null and void and to frame a fresh Scheme. The above suit was disposed by Hon'ble Sethuraman.J, by holding that the earlier Scheme was invalid. After calling for a draft Scheme and hearing, a decree was passed by settling a Scheme. Original Side Appeals have been filed challenging the said judgment in O.S.A.Nos.81 & 82 of 1974 before the Division Bench. The appeals have been allowed and the Scheme framed by Hon'ble Sethuraman.J was set aside and the earlier Scheme was restored by holding that the original Scheme was not hit by Section 92 (2) C.P.C. The judgment of the Division Bench was challenged by way of filing Special Leave Petition in SLP (Civil) Nos.811 & 812 of 1975 before the Hon'ble Supreme Court and in which a settlement has been arrived and a fresh Scheme has been framed. Thereafter, the Board of Trustees have also been appointed and they have framed the By-Laws and Regulations of the Trust.



11. In the year 2005, one of the family members of the Founder Trustee, has filed an application in A.No.2949/2005 seeking an amendment to the Scheme by offering certain suggestions. Another application has been filed in A.No.307/2004 by one of the trustee who is selected from the old student constituency. When those two applications are pending, an another application has been filed in A.No.3398/2005 in C.S.No.117/1973 seeking for appointment of an Advocate Commissioner for the interim management of the institution by stating that the Committee of Management has been completely paralyzed and that there are lot of *inter se* disputes among the trustees themselves. The above application has been dismissed on 25.01.2006. The said order has been challenged by way of preferring an appeal in O.S.A.No.49/2006 and in which a Joint Memo of Compromise has been filed. As per the terms of compromise, an order has been passed on 06.07.2006 by the First Bench of the High Court on 06.07.2006. An interim Administrator has been appointed as per the above order and he has filed a draft amended Scheme. The appeal has been disposed on 18.08.2007 by setting out the composition of trustees. Since the application filed earlier for amending the Scheme in A.No.2949/2005 was pending and prayers were made before the First Bench itself to hear the above application in A.No.2949/2005, the First Bench taken up the above application also, but later the same was sent back to the learned Single Judge with a direction to publish the draft a Scheme by inviting objections, if any.



12. The objections and suggestions made by certain parties have been heard and after hearing all the parties, the draft Scheme has been modified and finally a Scheme has been settled. While passing such order, observations have been made that the old students have frustrated the seamless functions of the Trust by dragging the trust into various litigations. It is also observed that the old students can contribute to the welfare of the students of the colleges and schools of the Trust by undertaking various activities other than being a part of the Board of Trustees. Consequently, in the order dated 20.06.2008 made in A.No.2949/2005, the accommodation given for the old boys constituency in the Board of Trustees has been scrapped. In fact in the order dated 20.06.2008 detailed reasons have been stated for removing the old boys constituency from the composition of the Board of Trustees. In the order passed in A.No.2949/2005 was also taken on appeal in O.S.A.Nos.299, 296 & 319/2008 & 350 and 315 / 2009 before the Division Bench. All the said appeals except O.S.A.No.315/2009 were dismissed. O.S.A.No.315/2009 has been disposed in accordance with the observations made in Paragraph No.39 of the above judgment. In fact, in paragraph No.39 of the above judgment, it has been observed that O.S.A.No.315/2009 have nothing to do with the Trust and the relief claimed by the appellant in O.S.A.No.315/2009 is dependent upon the result of the other suit pending in C.S.No.893/2007. As such, the Scheme framed by Hon'ble Ramasubramaniam.J in A.No.2949/2005 has been upheld by the Division Bench without any modification.



**13.** One of the appellants who had filed an appeal in O.S.A.No.319/2008 has challenged the order of dismissal by way of preferring a Special Leave Appeal in SLA (Civil) No.22289/2010 and the appeal was also dismissed. After the fresh Scheme has been settled in A.No.2949/2005 on 20.06.2008, there were no complaints in respect of the functions of the Trust.

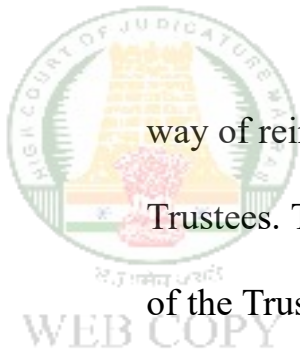
**14.** The application in A.No.6770/2025 filed by the applicant Mr.R.V.Prasad, is to amend the Scheme. He has made several allegations in respect of the functions of the Board of Trustees and stated that their functions are prejudicial to the interest of the Trust and Educational Institutions run by it. The Trust has filed an application challenging the maintainability of the application filed to amend the Scheme in respect of composition of the Trust. The Old Boys Constituency which has been removed by listing various reasons in the earlier order dated 20.06.2008, is now sought to be restored.

**15.** It is alleged by the applicant Trust that the above application itself is not maintainable because it does not come under Section 92(1) C.P.C. and that placing Old Boys in the composition of Board of Trustees, has already been found to be detrimental to the interest and functions of the Trust and that the application has not been filed in accordance with Section 92 C.P.C. The applicant who has filed the



application to amend the Scheme, himself, is an agent who has collected money from the Lecturers and who is facing a complaint on this nature. The pre-requisite to comply Section 92(1) C.P.C. for the purpose of filing an application is applicable only for the purpose of laying a suit. In fact, the present Scheme itself is a modified one and it is an offshoot of the order passed in A.No.2949/2005 dated 20.06.2008. The application in A.No.2949/2005 has been filed to amend the earlier Scheme. Hence, the subject Trust, whose composition of Trustees and the functions of the Trust are in accordance with the redrafted and settled Scheme made vide an order made in A.No.2949/2005, cannot strictly say that an application filed to amend the decree should be construed as a suit in order to mandate a prior permission under Section 92(1) C.P.C. Various judgments cited by the applicant with regard to the maintainability of the application amending the Scheme, is only in respect of filing the suit and not the application seeking modification for the Scheme already formulated and implemented.

**16.** The new Scheme settled by Hon'ble Single Judge Ramasubramaniam.J, as he then was, vide an order dated 20.06.2008 itself has been made only in an application filed to amend the Scheme. However, the very same issue of allowing the representation for the Old Boys (Graduate Constituency) in the Board of Trustees has been a point taken up for consideration in the order dated 20.06.2008. Even though the applicant in A.No.6770/2004 has made various allegations against the Trust in respect of its certain functions, the ultimate relief claimed by him is to amend the Scheme by



way of reintroducing the slot for the Old Boys (Graduate Constituency) in the Board of Trustees. The prayer in A.No.6770/2004 is in such a fashion that the various functions of the Trust which are alleged to have been carried out in an irregular and self-centered manner can be rectified only if the old boys are allowed to take part in the managing committee. The other reliefs sought is for the interim orders for appointing the receiver and to restrain the respondents from using the funds of the Trust.

**17.** The main relief sought by the applicant in A.No.6770/2024 is only to accommodate the Old Boys (Graduate Constituency) in the composition of the Board of Trustees. In fact, the applicant is an old boy of the College and he has worked in the college for several years and retired. The applicant has filed the application only after he has retired from the service. He has stated that after receiving the legal notice issued to him on 08.06.2024 & 24.08.2024, the Secretary and the Correspondent called him and agreed to modify the composition of Board of Trustees by providing representations for the old boys in the Board of Trustees, but it was not done.

**18.** The evil consequences of accommodating the old boys in the constituency has been well elaborated in the earlier orders. As the inclusion of the old boys constituency proved to be a failure and the resurrection of the trust could be made only by removing the old boys constituency and reconstituting the trust, it is not worth to consider the proposal for reintroducing the old boys constituency. The Graduate



Constituency does not exclude the persons who have been graduated from the education institutions run by the subject Trust. Even though there is no specific reservation given to the Old Boys in the composition of the Board of Trustees, by virtue of their graduation, they are also eligible to be appointed as trustees against the Graduate Constituency.

**19.** All the allegations appear to have been made by the applicant only to compel the respondent to reintroduce the old boys constituency in the composition of the Board of Trustees. In the prayer made in the application, the applicant has made his intention very clear that his intention is to bring back the old boys in the composition of the Board of Trustees. In fact, that was exactly the issue that has surfaced during the earlier action when the Scheme was modified through an order dated 20.06.2008. The object of making the allegations by the applicant is clear from the prayer he made in the application.

**20.** Though the application is maintainable to modify the Scheme for acceptable reasons by way of filing application without obtaining prior permission as contemplated under Section 92 C.P.C., the applicant has raised the very same issue which has been already settled at rest by the earlier order of the same Court in A.No.2949/2005. The order excluding the Old Boys Constituency from the composition of Board of Trustees did not prevent them from taking up all welfare



measure in the interest of the student community. But the applicant appears to be having an eye on the chair of the Board of Trustees rather than undertaking any welfare activities as suggested by this Court in the earlier order dated 20.06.2008.

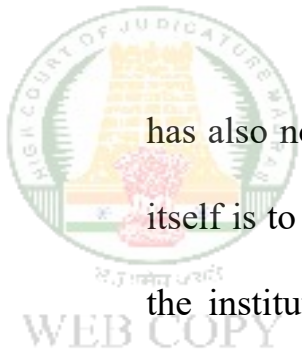
**21.** It is true that anyone who has an interest can file an application to amend the Scheme. But the person who seeks the amendment should have a genuine interest and the amendment cannot be sought for any self-serving reasons. In fact in the modified Scheme itself there is a provision given for amending the Scheme and it states about the modalities under which the work can be carried out.

*“VII. AMENDMENT TO THE Scheme:*

*Any amendment to or modification, of this Scheme can be effected only by the High Court of Madras on filing an appropriate petition with notice to all the Trustees and no amendment can be carried out without following the said procedure and the High Court approving such amendment or modification.”*

**22.** So it cannot be said that the application to amend the Scheme is not maintainable. The very same issue of accommodating the old boys in the managing committee has been settled already and the prayer made in A.No.6770/2024 is to introduce the Old Boys Constituency in the Board of Trustees.

**23.** In the earlier round of litigation in respect of amending the Scheme for the Trust has culminated in an order resettling the scheme and how the functions of the Board got paralysed and the interim Administrator who is a retired High Court Judge,



has also not been treated respectfully by the old boys. The very object of the Scheme itself is to see that the functions of the public Trust is being carried out peacefully and the institutions run by the Trust do immense service of imparting education to the students in fulfilling the purpose and objects of the Trust.

24. The application in A.No.6770/2024 invites the court to redo the earlier exercise which has been settled at rest. The issue of inclusion of the old boys in the composition of Board of Trustees, cannot be allowed to be raised once again, by painting a different colour to the contents of the application. The intention of the applicant is patent explicit in the prayer made in his application. As the above issue has already been settled after an elaborate hearing and consideration, the application filed to achieve the very same purpose of bringing back the Old Boys in the Managing Committee cannot be allowed to be maintained just in order to waste the time of the Court. Hence the application in A.No.6770/2024 is liable to be dismissed and the application in A.No.342/2025 deserves to be allowed.

25. The applications in A.Nos.2188 & 2187 /2025 have been filed seeking the following reliefs:

A.No.2188/2025:

*“ a) to appoint an independent authority to ensure that the names and address of all family members are duly recorded and periodically updated by the Trustees. The independent authority shall further ensure that the information pertaining to*



*the Scheme, as framed by the Hon'ble High Court, is duly communicated ... writing to all family members at the conclusion of each term of office of the Trustees.*

*b) The independent authority shall oversee the nomination process for the selection of four family members in accordance with the existing Scheme. In the event that a consensus is not reached, the independent authority shall conduct an election among the eligible family members to select the said four family representatives.*

*c) to increase the number of non-family trustees (excluding ex-officio members from the existing two to at least five, by appointing independent professionals such as lawyers, engineers, bankers, financial experts, economists, entrepreneurs, academicians, retired judgments, bureaucrats, and industrialists as trustees of the Theagaraya Chetty Educational Institutions Managing Committee, as the inclusion of such independent professionals will ensure a balanced and effective governance structure within the Trust.*

*A.No.2187/20225:*

*a) To amend the Scheme by appointing an independent auditor to conduct a forensic audit of the finances and all assets movable and immovable of the Theagaraya Chetty Educational Institutions Managing Committee and impose a surcharge on any individuals found guilty of financial and other misappropriation."*

**26.** In the affidavit filed in A.No.2188/2025, the applicant has made various allegations and stated that there are various malfunctions in the Trust. Even the above reliefs are made to effect changes in the constituency of the Board of Trustees but not specifically to include of the old boys constituency. In the application filed by the



Managing Committee challenging the maintainability of this application, it has been stated that no permission has been sought under Section 92(1) C.P.C.

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**27.** It is reiterated that no permission needs to be obtained under Section 92(1) C.P.C. and the amendment to the Scheme can be made by way of filing an application. In the affidavit filed in A.No.2188/2025 it is seen that the applicant has served as Principal of the College and he has been the ex-officio member of the Managing Committee at some point of time. His close association with the Trust and relative functions cannot be denied. He has also alleged that the terms of the Scheme are violated and the public interest is being defeated and some mischievous activities are committed by some of the family Trustees. The preliminary objection raised by the Trust by way of filing the application challenging the maintainability has the counter allegations as against the applicant. The merits of these allegations can be evaluated only when the very application in A.No.2188/2025 is taken up for hearing.

**28.** Though the applicant cannot be allowed to reintroduce the Old Students Constituency by way of seeking amendment to the Scheme, in view of the very same issue has already been dealt, the other relief seeking modification of the Scheme can still be considered, in the event of the applicant proving the allegations of malfunctions or wrongful acts made by him against the Managing Committee and that the existing Scheme is not sufficient enough to address these issues. Hence, I do not find any



reason to reject this application at the threshold stage without making any enquiry with regard to the allegations made therein. Hence, the applications in A.Nos.3095 & 3096/2025 challenging the maintainability of A.Nos.2187 and 2188/2025 are liable to be dismissed.

**29.** The application in A.No.2189/2025 has been filed to direct the Tahsildar to register patta in respect of the subject property in the name of the Theagaraya Chetty Educational Institutions and Managing Committee. It is submitted by the learned counsel for the applicant that the order of the Tahsildar can be challenged only before the Revenue Divisional Authorities and not by way of preferring this application. The rest of the objections on which the application in A.No.3097/2025 filed challenging the maintainability, are the very same points raised in the other applications. As the relief sought in this application depends upon the merits of the outcome of the other applications in A.Nos.2187 & 2188 of 2025, this application in A.No.2189 of 2024 is prematured one and the possibility for the cause of action of this nature depends only on the result of the other two applications filed by the very same applicant in A.No.2187 & 2188 of 2025. The application in A.No.2189/2025 is a prematured one and the relief sought in this application is of such a nature as though it might give rise to the cause of action of the suit against the Government Authorities. The party aggrieved ought to have filed a Revenue Appeal challenging the orders of the Tahsildar with regard to the alleged patta transfer. The applicant cannot be allowed to raise such



a kind of relief by circumventing the due procedure and that too, before the main allegations made by him against the Trust, are proved to be true and that he has filed these applications only out of genuine interest over the functions and objects of the Trust. So, the other application in A.No.3097/2025 deserves to be allowed and A.No.2189/2025 is liable to be dismissed.

**30.** In the result, the applications in **A.Nos.342 & 3097/2025** are **allowed** and in consequent to that the applications in **A.Nos.6770/2024 & 2189/2025** in **C.S.No.117/1973** are **dismissed** and the applications in **A.Nos.3095 & 3096/2025** are **dismissed**. No costs.

06.01.2026

Index: Yes / No

Speaking Order / Non-speaking order

Neutral Citation : Yes / No

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**DR.R.N.MANJULA, J.,**

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**A.Nos.342, 3095, 3096 & 3097 of 2025**  
**In C.S.No.117 of 1973**

06.01.2026