



WEB COPY

WP No. 2465 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 2465 of 2026

and

WMP.No.2716 of 2026

V.Sundaram

..Petitioner(s)

Vs

1. The Manager

Indian Overseas Bank

Punjai Puliyampatti Branch

Jawahar Main Road

Punjai Puliyampatti 638459

Erode District.

2. Thiru.V.Dhandapani

3. Thiru.S.A.Palanisamy

4. Thiru Sathish Prabhu

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the first respondents bank from allowing the respondents 2 to 4 to operate the bank account of M/s.Mamaharishi Easwarya Gurudevan Thabovanam Trust having office at Erankattupalayam Karapadi Post, Punjai Puliyampatti, Erode District 638459 till the finalisation of the scheme suit pending on the file of Principal District Judge, Erode.



For Petitioner(s):

Mr.S.Kamadevan

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ORDER

This Writ Petition has been filed for the following reliefs:-

“forbearing the first respondents bank from allowing the respondents 2 to 4 to operate the bank account of M/s.Mamaharishi Easwarya Gurudevan Thabovanam Trust having office at Erankattupalayam Karapadi Post, Punjai Puliampatti, Erode District 638459 till the finalisation of the scheme suit pending on the file of Principal District Judge, Erode.”

2. The petitioner’s contention is that his father, late Mr. Venugopalan, had founded the aforementioned Trust. As per the original Trust Deed dated 29.04.1987, there were five trustees, with the petitioner’s father serving as the Founder/Managing Trustee. Thereafter, a Supplementary Trust Deed was registered on 14.12.1998, by which one Dr. Krishnan was relieved, and two new members were inducted as Trustees, namely Er. Gunasekaran and V. Dhandapani (2nd respondent herein), who is none else than the brother of the petitioner. By virtue of this Supplementary Trust Deed, the number of Trustees increased to six, including the Managing Trustee. The Managing Trustee was responsible for administering the affairs of the Trust, and as per the Trust Deed,



he could nominate and announce his successor during his lifetime. In the event that the Managing Trustee did not nominate any person, the remaining Trustees could elect a Managing Trustee through voting, and the decision of the majority would be final. The Managing Trustee so elected would have the same powers as that of the Founder/Managing Trustee.

3. The petitioner's father had passed away on 17.06.2002 without nominating any successor. The petitioner's mother also passed away on 22.08.2020. Thereafter, a stalemate arose in the administration of the Trust. In view of rival claims cropping up, two suits were instituted on the file of the District Munsif Court, Sathyamangalam, in O.S. Nos. 1 and 54 of 2021, seeking permanent injunction. These suits were subsequently withdrawn for reasons best known to the plaintiffs therein.

4. Thereafter, respondents 2 and 3 had filed a scheme suit under Section 92 of the Code of Civil Procedure on the file of the District Court, Erode, in which the petitioner has been arrayed as the 6th defendant. The said suit is presently pending enquiry.



5. Taking note of the stalemate in the management of the Trust following the death of the Founder/Managing Trustee, the 1st respondent Bank froze the banking operations of the Trust, preventing any party from operating the accounts until the dispute regarding management is resolved by a court of law. It appears that the 3rd respondent issued a legal notice dated 12.12.2025 to the 1st respondent Bank, threatening to claim damages on the ground that the Bank had prevented him from operating the Trust's accounts. The petitioner also issued a legal notice dated 24.12.2025 to the 1st respondent Bank, requesting that the accounts of the Trust not be operated.

6. The petitioner would submit that, since respondents 2 and 4 have been continuously urging the 1st respondent Bank to permit operation of the Trust account, he has approached this Court for the relief stated supra.

7. When the matter came up for admission this Court had questioned the maintainability of this Writ Petition in as much as the Scheme Suit had already been instituted and it is well open to the petitioner to move an application before the Court where the Scheme Suit is pending. The learned counsel for the petitioner was unable to satisfy the Court regarding the maintainability of the Writ Petition.



8. From a perusal of the records and the affidavit filed in support of the Writ Petition, it appears that the President of M/s. Mamaharishi Eswaraya Gurudevar Thabovanam Beneficiaries Welfare Society had filed a scheme suit under Section 92 of the Code of Civil Procedure seeking orders from the Court to declare the reconstitution made in the trusteeship of the 1st respondent/defendant Trust after 06.09.2020 as null and void, to remove defendants 2 to 5 from the trusteeship of the 1st respondent/defendant, to frame a scheme and for a permanent injunction restraining respondents/defendants 2 to 10 from in any way dealing with the schedule-mentioned properties, including by alienating, mortgaging, transferring, or creating any encumbrance over the properties belonging to the 1st respondent Trust. The petitioner has been arrayed as the 6th respondent/defendant in the said suit.

9. The 1st respondent Bank, in light of the stalemate in the management of the Trust, has frozen the accounts of the Trust. While respondents 2 and 4 are seeking to have the accounts defreezed, the petitioner seeks continuation of the same.

10. When the District Court is already seized of a comprehensive suit, the remedy available to the petitioner is to approach the concerned Court and not to



invoke the jurisdiction of this Court under Article 226 of the Constitution of India for obtaining an order of injunction, as the relief claimed in the instant Writ Petition is nothing but an injunction. In fact, the petitioner does not even prayed for the issue of a Writ of Mandamus.

11. In light of the above, I see no reason to entertain this Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

The Manager
Indian Overseas Bank
Punjai Puliampatti Branch
Jawahar Main Road
Punjai Puliampatti 638459
Erode District.



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P.T.ASHA, J.

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