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CMP No. 1801 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**CMP No. 1801 of 2026
in
OSA No.161 of 2013**

Tamil Nadu Vanniyakula Kshatriya Public
Charitable Trusts And Endowments Board
Rep. by its Chief Administrative Officer/
the Member Secretary,
1/1(1), Mayor Ramanathan Road,
Egmore, Chennai - 600 008.

..Appellant

Vs

1. P.Elumalai
No.81/1, V.V. Koil St,
Choolai, Chennai - 600 112 and 29 others

..Respondents

PRAYER

Petition filed under Order XIV Rule 8 r/w Order I Rule 10(2) CPC to permit the petitioners to be an intervener in the above OSA being a statutory body established by virtue of section 8 of the Tamilnadu Vanniyakula Kshatriya Public Charitable Trust and Endowments (Protection and Maintenance) Act, 2018 specifically to protect and maintain the trusts and endowments created by persons or organisation belonging to Vanniyakula Kshatriya Community and pursue the appeal by way of intervention.

For Appellant: Mr.M.Udhayakumar

For Interim management Mr.T.S.Baskaran
committee:

**ORDER**

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(Order of the Court was made by C.V.Karthikeyan J.)

This Original Side Appeal has arisen out of an order dated 30.01.2013 passed by a learned Single Judge of this Court in C.S.No.993 of 2001. The appellants were the third and fourth plaintiffs in the suit. It is also to be noted that on 08.09.2017 this Original Side Appeal had been disposed of finally. The appellants also died. However, since the suit was filed under Section 92 of C.P.C, we hold that we need not be held back from dealing with the present Civil Miscellaneous Petition.

2. The suit in C.S.No.993 of 2001 had been filed by five separate plaintiffs seeking to frame a scheme in respect of Govindu Naicker Trust by bifurcating the Trust "Govindu Naicker Trust" from the Management of Pachaiyappa's Trust and for consequential relief of appointment of Trustees and for taking over the administration of movable and immovable properties. The suit came up for final disposal before a learned Single Judge and by judgment dated 30.01.2013, the learned Single Judge had disposed of the said suit by appointing an Administrator to examine the allegations against the management and administration of the Trust. This judgment was taken in Appeal.



3. A Division Bench, by its judgment dated 08.09.2017, had examined the issues in detail and had upheld the finding of the learned Single Judge that the suit Trust viz., Govindu Naicker Trust is a separate and independent Trust, but was, however, of the opinion that the learned Single Judge should have framed a separate scheme for the Trust and appointed new Trustees. The Division Bench, however, affirmed the appointment of an Interim Management Committee headed by Hon'ble Mrs. Justice Chitra Venkataraman a retired Judge of this Court as Chairperson to take over the administration of the Trust from the first respondent Trust. The Division Bench also placed confidence on the Chairperson and observed that the Chairperson shall appoint five Committee Members and frame a Scheme for the administration of the Govindu Naicker Trust. Thereupon, a draft Scheme has been forwarded by the Interim Management Committee. Whiles, this petition has been filed in view of the introduction of the Tamil Nadu Vanniyakula Kshatriya Public Charitable Trusts and Endowments (Protection and Maintenance) Act, 2018, which came into force on 04.02.2019.

4. The above Act had been enacted to provide protection and maintenance of public charitable trusts and endowments created and administered by persons or organisations of Vanniyakula Kshatriya Community in the State of Tamil Nadu and for matters connected therewith or incidental thereto. Section 3(q) of the said Act defines "**Vanniyakula Kshatriya**" as under:-



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"(q) ***"Vanniyakula Kshatriya"** means the community of Vanniyakula Kshatriya (including Vanniyar, Vanniya, Vannia Gounder, Gounder or Kandar, Padayachi, Palli and Agnikula Kshatriya), as notified by the Government under the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the services under the State) Act, 1993.*"

5. Section 3(h) of the above Act defines "**endowment**" as under:-

"(h) *"endowment" means all property given or endowed for the benefit of, or used as of right by, the Vanniyakula Kshatriya community or any section thereof for the support or maintenance of objects of utility to the said community or section, such as rest-houses, choultries, patasalas, schools and colleges, houses for feeding the poor and institutions for the advancement of education, medical relief and public health or other objects of a like nature; and includes the institution concerned;*"

6. It is uniformly contended that the suit Trust viz., Govindu Naicker Trust would come under the ambit of this Act and the provisions of the Act



would be applicable to the said Trust including regulating its management and administration and also incidentally framing of a Scheme. In the said Act, Section 8, which comes under Chapter III, provides for establishment of a Vanniyakula Kshatriya Public Charitable Trusts and Endowments Board.

7. The petitioner, having been incorporated under Section 8 of the said Act, had approached this court by filing the present petition.

8. It had been contended by the learned counsel for the petitioner that though the Appeal had been disposed, since a Board had now been formed, they had filed this petition seeking permission of the court to intervene in the Original Side Appeal and take control of all the assets relating to the said Trust by framing a Scheme.

9. Section 27 of the Act deals with the powers and functions of the Board. Relevant portion of the said provision is extracted hereunder for ready reference:-

"27(2) Without prejudice to the generality of the foregoing power, the functions of the Board shall be

(i) to maintain a record containing information relating to the origin, income, object and beneficiaries of every trust and endowment;



(ii) to ensure that the income and the property of trust and endowment are applied for the objects and for the purposes for which such trust and endowment were intended or created;

(iii) to give directions for the administration of trust or endowment;

(iv) to settle schemes for management of trust and endowment:

Provided that no such scheme shall be settled without giving an opportunity of being heard to the affected parties;

(v) to scrutinize and approve the budgets submitted by the trustee or administrator and to arrange for auditing of accounts of the trust or endowment;

(vi) to appoint and remove the trustees and administrators in accordance with the provisions of this Act

(vii) to take measures for the recovery of lost properties of any trust or endowment;

(viii) to institute and defend suits and proceedings relating to property of any trust or endowment;

(ix) to sanction any transfer of immovable



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property of any trust or endowment by way of sale, gift, mortgage, exchange or lease in accordance with the provisions of this Act.

Provided that no such sanction shall be given, unless at least two thirds of the total members of the Board vote in favour of such transaction

(x) to administer the Vanniyakula Kshatriya Public Charitable Trusts and Endowment (Protection and Maintenance) Fund

(xi) to call for such returns, statistics, accounts and other informations from the trustees or administrators with respect to the property of trust or endowment as the Board may, from time to time requires;

(xii) to inspect or cause inspection of the property of trust and endowment, accounts, records or deeds and documents relating thereto;

(xiii) to investigate and determine the nature and extent of trust and endowment and its property and to cause, whenever necessary, a survey of the property of such trust and endowment;

(xiv) to direct-

(a) the utilization of the surplus income of a trust



and endowment consistent with the objects of trust and endowment;

(b) in what manner the income of a trust or endowment, the objects of which are not evident from any written instrument, shall be utilized for the benefit of poor Vanniyakula Kshatriya Community for their economic, social, educational upliftment and livelihood activities.

(c) in any case where any object of trust or endowment has ceased to exist or has become incapable of achievement, that so much of the income of the trust or endowment as was previously applied to that object shall be applied to any other object which shall be similar, or nearly similar or to the original object or for the benefit of the poor Vanniyakula Kshatriya Community for their economic, social, educational upliftment and livelihood activities:

Provided that no direction shall be given under this clause without giving opportunity of being heard to the affected parties;

(xv) generally do all such acts as may be necessary for the control, maintenance and administration of trust and endowment.



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(3) Where the Board has settled any scheme of management under clause (iv) or given any direction under clause (xiv) of sub-section (2), any person interested in the trust or endowment or affected by such settlement or direction may institute a suit in a Court for setting aside such settlement or directions and the decision of the said Court thereon shall be final.

(4) Where the Board is satisfied that any land belonging to trust or endowment offers a feasible potential for development as a shopping centre, market, housing flats and the like, it may serve upon the trustee or administrator of the concerned trust or endowment a notice requiring him to convey its decision whether they are willing to execute such development as may be specified in the notice within such time, but not less than sixty days, as may be specified in the said notice."

10. Section 77 of the above Act provides as under:-

"Bar to the enforcement of right on behalf of unregistered trust or endowment.(1) Notwithstanding anything contained in any other law for the time being in force, no suit, appeal or other legal proceeding for the



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enforcement of any right on behalf of any trust or endowment, which has not been registered in accordance with the provisions of this Act, after its commencement, or where any such suit, appeal or other legal proceeding had been instituted or commenced, before such commencement, no such suit, appeal or other legal proceeding shall be continued, heard, tried or decided by any Court after such commencement unless such trust or endowment, has been registered, in accordance with the provisions of this Act.

(2) The provision of sub-section (1) shall apply, as far as may be, to the claim for set-off or any other claim made on behalf of any trust or endowment, which has not been registered in accordance with the provisions of this Act."

11. Pointing out these provisions learned counsel for the petitioner would submit that the petitioner-Board must now be permitted to take over the administration of the Trust and also to proceed in framing a Scheme for the administration of the Trust.

12. Since we have confidence in the Chairperson of the Interim Management Committee, who has vast experience, we had sought for the



guidance of the Chairperson by forwarding a draft scheme for our consideration and also for the consideration of the Board.

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13. Accordingly, a draft Scheme and a Status Report has been filed by the Chairperson of the Interim Management Committee. We have gone through the same. We would place on record our appreciation and gratitude for the efforts taken by the Chairperson of the Interim Management Committee and their office bearers in drafting a Scheme for the administration and management of the Trust with much diligence. We are of the view that the said draft Scheme should form as a guidance for framing a Scheme by the Board.

14. Section 61 of the above Act also gives the power to the Board to frame a Scheme for administration of a Trust or Endowment. This could be done on its own motion. However, in the instant case, the Board has filed this petition seeking to intervene in the matter. We would also note that Section 64 provides the power to settle or modify such Scheme of management in the manner it may think fit. However, we are of the view that considering the efforts put by the Chairperson of the Interim Management Committee in drafting a Scheme for the administration of the Trust, it would be appropriate to refer to the draft scheme prepared by the learned Chairperson of the Interim Management Committee as a guidance for preparing a Scheme by the petitioner Board.



15. In view of the above, we allow the present Civil Miscellaneous Petition and permit the petitioner-Board to intervene in the Original Side Appeal. Registry may implead the petitioner as respondent in the Original Side Appeal and since the Original Side Appeal, has already been disposed of, we would direct that all aspects relating to Govindu Naicker Trust would now, be under the sole control of the petitioner-Board, which had been formed under Section 8 of the said Act. The Interim Management Committee shall hand over the administration of the Trust to the petitioner-Board within a period of three weeks. The Chairperson of the Interim Management Committee may forward all the records available with the Interim Management Committee in respect of the period during which it was in force to the petitioner-Board. We would discharge the Chairperson, Interim Management Committee of her obligation, but, however, also place a caveat that her services would be certainly availed in further appropriate cases.

(C.V.K.,J.) (K.B.,J.)
10-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssk

To

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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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