
(1943) 08 MAD CK 0026
In the Madras High Court

A.L.S.P.P.L. Subramaniam Chettiar

APPELLANT

Vs

R. Muthurama Sastrigal and Others

RESPONDENT

Date of Decision : 04-08-1943

Acts Referred:

Citation : AIR 1943 Mad 730 : (1943) 56 LW 497

Hon'ble Judges : Leach, C.J

Bench : Division Bench

Judgement

Leach, C.J.—On 23rd April 1929 the Hindu Religious Endowments Board framed a scheme u/s 57, Hindu Religious Endowments Act, 1926, for the management of the Shri Vridhapureeswaraswami temple, Tiruppanavasal and appointed the appellant the trustee for life. The scheme further provided that the succeeding trustees should be chosen from among his father's descendants. The appellant had spent a large sum of money in repairing the temple. It would appear that he had largely rebuilt it. Before the board settled the scheme the appellant had undertaken to make an annual contribution of Rs. 3000 for the periodical renovation of the temple and had also undertaken to provide a sum of Rs. 25,000 for establishing a thevaram patasala as an adjunct to the temple. The action of the board in making the appellant trustee and creating the office as a hereditary one was challenged in a suit. The District Judge of West Tanjore held that the scheme was invalid. It was improper for the board to frame such a scheme, being based as it was on the financial undertakings of the appellant. This decision was upheld by this Court in Subramaniam Chettiar v. Natesa Gurukkal A. I. R. 1938 Mad. 713.

2. On 7th October 1938 the board framed a fresh scheme. This scheme contained a provision making the appellant the trustee for life and provided that the descendants in the male line of his father should have preferential treatment in the appointment of trustees. There was, however, no undertaking by the appellant to contribute to the cost of renovating the temple and no offer of an endowment of a thevaram patasala. The board's action was challenged by

respondents 1, 2 and 3 who filed a suit for the amendment of the scheme. They contended that the board erred in making the appellant a life trustee and in declaring that the male descendants of his father should have a preferential treatment. The District Judge considered that the scheme should be amended and he amended it by providing that the appellant should hold office for a period of five years. That was the period contemplated by Section 51(3) in the case of a non-hereditary trustee. The appellant has appealed. He says that inasmuch as he has done so much for this temple and he has the interests of the institution at heart, he should be appointed the sole trustee for his life and that his father's heirs should have a preferential treatment. We agree with the District Judge. It may be fully accepted that the appellant is the most suitable person to act as the trustee, but it is quite another matter to say that he should be appointed for life and that the Committee should be restricted in its choice of his successors. There has never been a hereditary trustee for this temple and this Court has properly set its face against the appointment of hereditary trustees unless a right in this respect has been established. It will be open to the committee to re-appoint the appellant for a further period of five years and it will no doubt do so if he continues to be physically fit to carry out the duties of the office. The appeal will be dismissed with costs, one set to be divided among respondents 1, 2, 3 and 5.