

(1912) 09 MAD CK 0045

In the Madras High Court

In Re: Manjeshwar Padmanabha Batta and Another

Date of Decision : 18-09-1912

Acts Referred:

Citation : 17 Ind. Cas. 400

Hon'ble Judges : Sadasiva Aiyar, J

Bench : Single Bench

Judgement

1. The case in Ramanathan Chettiar v. Ananthanarayana Iyer 5 Ind. Cas. 291 shows that the District Judge has power to make inquiries before granting sanction u/s 18 of the Religious Endowments Act.
2. The District Judge has carefully gone into the whole matter on the affidavit filed on both sides and has come to the conclusion (a) that 3rd respondent is himself to blame for not taking up the duties of trustee and that respondents Nos. 2, 4, 5 and 6 against whom alone the application was really directed were not to blame; (b) that the application is not bona fide and as really set up by 1st respondent (one of the trustees), who could not have his own way in the temple management, and (c) that the respondents Nos. 2, 4, 5 and 6 have not been prima facie proved to be guilty of any misappropriation or of any such misconduct as will justify the granting of the leave to sue.
3. I am unable to find that in using his discretion to grant or refuse leave to the petitioners to institute the suit, the District Judge has committed any illegality or material irregularity or that any question of jurisdiction is involved.
4. The revision petition is rejected. The petition for stay of proceedings is also rejected.