

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Wednesday, the twenty-fifty day of April,

One thousand nine hundred and seventy-nine.

PRESENT:

The Hon'ble Mr. T. Ramaprasada Rao,
Chief Justice.

C. R. P. No. 1222 of 1976.

A. M. U. Dharma Chatram, Trust
Nagapattinam by its present TrusteeA. M. M. Viswalingam
(Cause title amended as per order
of Court dated 25-10-70 in
C. M. P. 9830/78Petitioner
(Appellant)

Vs.

The State of Tamil Nadu represented
by the Collector of Thanjavur at
ThanjavurRespondent
(Respondent)

Petition under section 83 of Tamil Nadu Act 58/61 as amended by Act 37/72 praying the High Court to revise the decree of the Land Tribunal (Nagapattinam) dated 8-3-76 and passed in CMA(LT)4/76, (MRI Case No. 5/N/Trust/NGT/A3 dt. 10.12.75 of the Authorised Officer (Land Reforms) Nagapattinam.

ORDER: This petition coming on for hearing on this day upon perusing the petition and the decree of the Court below and the record in the case and upon hearing the arguments of Mr. K. Raman, Advocate for the petitioner and of Mr. K. Venkataswami the Additional Government Pleader on behalf of the respondent, the Court made the following:--

ORDER: An endowment was made in favour of the Trust called A. M. U. Dharma Chatram Trust, Nagapattinam. The point for consideration which arose before the Land Tribunal at Nagapattinam as well as before the Authorised Officer, Nagapattinam who were preparing the statutory statement under section 10 of Act 58 of 1961 was whether the said Chatram was a public trust of a charitable nature or a public trust of a religious nature. The object of the trust appears to be to feed certain persons every day without reference to any festivity or any importance being attached to a particular day. It was in those circumstances the Authorised Officer

held that it was charity and not religious fervour prompted the donar to create the trust. I agree with the concurrent finding. If it is to feed a particular section of the community irrespective of whatever happens in the outside world, it obviously stems from charity and not from a religious nature question is not a public trust of a religious nature and that is only a public trust of a charitable nature.

The revision petition is dismissed. No costs.

Sd/- K. V. Ramachandran,
Assistant Registrar.