



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

CS No. 57 of 2026

1. M/s. The Madras Pinjrapole
Rep by its Hon Secretary/ Hon Treasurer
Mr.Kanthilal D.Shah/ Mr. Lalithkumar Sangvi
D,
Having Office at No.383, Konnur High Road,
Chennai-600012
2. Mr.R. Suresh Kumar
The General Manager of M/s.
The Madras Pinjrapole,
Having Office at No.383, Konnur High Road,
Chennai-600012

..Plaintiff(s)

Vs

Nil

Nil

..Defendant(s)

Prayer: This suit is filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of CPC, to (a) Grant permission to the plaintiff to sell the suit schedule property in the best interest of the animals (Goshala)and for the welfare of the cows and buffaloes, maintained by it b) Direct that the sale proceed shall be utilized solely for maintenance and expansion of the Goshala and welfare of the animals including their fodder, medical care, infrastructure, and miscellaneous expenses of the Goshala

For Plaintiff(s):

Ms. Shaikh Mehrunnisa



Judgment

The suit has been filed by the plaintiff seeking permission to sell the suit mentioned property in the best interest of the animals (Goshala) and for the welfare of the cows and buffaloes, maintained by it, for a direction to utilize the sale proceeds for maintenance and expansion of the Goshala and welfare of the animals including their fodder, medical care, infrastructure, and miscellaneous expenses of the Goshala.

2.The case of the plaintiff is that, the plaintiff presently maintains more than 3,000 cows and buffaloes and is running a Goshala where shelter, fodder, veterinary treatment and other necessary care are provided to the animals. The plaintiff Society has been carrying on charitable activities continuously from its inception without any profit motive. The maintenance of thousands of cattle, provision of shelter and food and meeting veterinary expenses are activities undertaken for the welfare of animals. The Society has been functioning for more than a century in furtherance of those charitable objects.

3.Further, the plaintiff has no private beneficiary and no individual member is entitled to appropriate the income or properties of the institution for personal benefit. The income from the property is required for meeting recurring and unavoidable expenditure such as:



- a. purchase of fodder;
- b. veterinary treatment and medicines;
- c. maintenance of the Goshala;
- d. payment of wages and other operational expenses;
- e. maintenance of infrastructure;
- f. general welfare and protection of the cattle.
- g. salaries to caretakers and other staff.
- h. accommodation of the doctors and care takers

4. The Metro Rail works severely affected access to the Goshala premises. The diversion of access for a distance of more than 250 metres in an already congested area has substantially affected the accessibility of the institution. The locality is heavily congested and suffers from substantial traffic throughout the day. Consequently, the accessibility of the Goshala and the ability of members of the public and donors to reach the premises have been seriously affected. As a direct consequence, voluntary donations, which were one of the important sources of income of the plaintiff, have drastically reduced. The amount received in connection with the Metro Rail work is wholly insufficient to compensate the plaintiff for the continuing loss of income and the increased difficulties faced by the institution. Further, the plaintiff was also substantially dependent upon rental income from its properties for maintaining the Goshala. However, after commencement of the Metro Rail works, several tenants stopped



paying rent, contending that their businesses and income had been adversely affected by the Metro Rail works. The cessation of rental income has placed the plaintiff in an extremely difficult financial position. The plaintiff has therefore been constrained to institute separate eviction and recovery of default rental arrear amounts proceedings against defaulting tenants, which are presently pending before the competent Civil Courts. The plaintiff is presently facing acute financial hardship. The 3000 cattle's maintained in the Goshala require continuous food, water, shelter, veterinary treatment and care. These are and unavoidable expenses. Any interruption in the availability of funds would directly affect the welfare and survival of the animals under the plaintiff's care. The Goshala presently requires the services of approximately 150 or more caretakers/employees, who are housed in the Goshala premises and are required to remain available on a 24/7 basis for attending to the needs of the animals. Their accommodation, food and medical requirements also have to be provided by the Society. Apart from the above recurring expenditure, the Society is also required to incur expenditure towards external professionals such as doctors, nurses and administrative staff. It is respectfully submitted that the Society is presently in need of immediate financial resources to prevent deterioration in the condition of the cattle and to ensure that more than 3,000 animals are properly maintained, treated and protected until their natural death. Unless adequate funds are immediately made available, the Society would face serious difficulty in meeting the recurring expenditure required for food,



medical treatment, salaries. infrastructure and other essential requirements of the Goshala. After due discussion and consideration, a resolution was passed on

16.03.2025 resolving to sell the Schedule Property for the welfare of the animals and the Goshala. Later a purchaser was identified and sale agreement was entered and reduced in writing (Exhibit 6 to 9 marked through PW1).

Hence, prayed for decreeing the suit.

5. On the side of the plaintiff, one Lalitkumar Sangvi. D, Treasurer of the 1st plaintiff (The Madras Pinjrapole) was examined as P.W.1. One Sureshkumar, General Manager of the 1st plaintiff (The Madras Pinjrapole) was examined as P.W.2 and 12 documents were marked. The above witnesses deposed in consonance with the averments made in the plaint and the documents marked on the side of the plaintiffs supports the case of the plaintiffs.

6. Ms. Shaikh Mehrunnisa, learned counsel appearing for the plaintiffs has submitted that the society owns immovable property, which is the suit property, a vacant land, non-ore and not essential for day to day Goshala operations which can be sold without affecting the main charitable activities. Hence, it was decided to sell the suit property for the welfare of the animals and Goshala and a resolution was passed on 16.03.2025. It is further submitted that they have identified a potential buyer, the details of whom mentioned in the proof affidavit, and entered into an unregistered sale agreement on 26.06.2025 for a



sale consideration of Rs.96,00,000/-. Thereafter, in pursuant to the resolution passed on 25.01.2026 and additional amount of Rs.5,00,000/- was agreed between the parties to be paid towards the sale consideration. Hence, an unregistered supplementary sale agreement was executed for Rs.5,00,000/- on 06.02.2026 between the parties, totalling to Rs.1 Crore, 1 Lakh towards total sale consideration. The plaintiffs have also undertaken to deposit the sale proceeds in a Nationalized bank, for the utilisation to maintain and expand the Goshala and for creation of sustainable infrastructure for long-term welfare of the animals. Since there is a bar in the sale deed with regard to sale of the property, without permission of the Court, the society cannot alienate the property as it is impressed with public charitable character and the funds are not sufficient to look after the animals and the employees who takes care of the animals residing in Goshala. It is further submitted that non of the office bearers or members derive any personal benefit from the proposed benefit from the proposed transaction and that the propose sale is solely to ensure survival and expansion of the charitable activities.

7.Heard learned counsel for the plaintiffs and records perused.

8.The suit has been instituted by the plaintiffs seeking permission of this Court to sell the property described in the schedule to the plaint, and to utilise the sale proceeds exclusively for the Welfare of the Animals and the Goshala



maintained by the plaintiffs.

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9. The case of the plaintiffs is that the 1st plaintiff is the registered society and that the suit property is the separate vacant land not essential for the day to day functioning of the Goshala and that the plaintiffs are seeking permission of this Court to sell the suit property to utilise the sale proceeds for maintaining the Goshala and for the Welfare and Protection of the Cattle maintained therein.

10. The learned counsel for the Plaintiffs would submit that the Goshala requires substantial recurring expenditure towards purchase of fodder, veterinary treatment and medicines, maintenance of the Goshala, payment of wages and other operational expenses, maintenance of infrastructure, General Welfare and Protection of the Cattle, Salaries to caretakers and other staff, accommodation of the Doctors and care takers and other essential requirements. The plaintiffs submits that the available income and resources are insufficient to meet the expenditure required for the proper maintenance Goshala and Welfare of the Cattle.

11. The plaintiffs therefore seeks permission to alienate the scheduled property, notwithstanding the restriction / ban applicable to the sale of the suit property, on the ground that the proposed alienation is necessitated by the need to preserve and effectively carry out the object for which the institution exists.



12.The plaintiffs have categorically undertaken before this Court that the entire sale consideration received from the proposed sale shall not be diverted or utilised for any personal or extraneous purpose. The plaintiffs have further undertaken to deposit the entire sale proceeds in a Nationalized Bank utilised strictly for maintenance and expansion of the Goshala, and used for creation of sustainable infrastructure for long-term welfare of the animals.

13.The property sought to be alienated is admittedly dedicated for public charitable purposes. Ordinarily, the Court must exercise considerable caution while permitting alienation of property belonging to a charitable institution, since such property is held for the benefit of the charitable object and cannot be dealt with as if it were the private property of the plaintiffs.

14.At the same time, the Court cannot be oblivious to the fact that the property is held for the furtherance of a charitable purpose. Where the proposed alienation is shown to be genuinely necessary for preserving and advancing that very purpose, and adequate safeguards are imposed to ensure that the corpus is not diverted for any private benefit, the Court may consider granting appropriate permission in accordance with the governing statutory framework.



15. In the present case, the plaintiffs have placed materials before this Court to show that the Goshala requires substantial funds for its continued maintenance and for providing food, medical treatment and other necessities to the cattle maintained in the Goshala. The proposed sale is not stated to be for the benefit of the plaintiffs or any individual person. On the contrary, the stated purpose is to secure funds for the very charitable object for which the institution is being maintained.

16. The undertaking given by the plaintiff that the entire sale consideration will be deposited in a Nationalized Bank and that the amount will be utilized exclusively for the welfare and maintenance of the Goshala provides an additional safeguard against diversion of the funds. This Court is therefore, satisfied that, subject to strict conditions, the proposed alienation would advance rather than defeat the charitable object.

17. The permission granted by this Court shall not be construed as dispensing with any statutory sanction or approval that may be required from the competent authority under the applicable law governing the charitable property.



18. In the result, the suit is decreed as prayed for, subject to the following conditions:

- (a) the plaintiffs are permitted to proceed with the proposed sale of the property described in the schedule, subject to obtaining and complying with all statutory sanctions and approvals required under the applicable law.
- (b) the sale shall be effected only for a fair and reasonable consideration and in a transparent manner in accordance with the applicable statutory requirements.
- (c) the entire sale consideration shall be deposited in a Nationalized Bank in the name of the Goshala immediately upon receipt.
- (d) the sale proceeds shall be utilized exclusively for the welfare, protection, maintenance and upkeep of the cattle maintained in the Goshala, including expenditure towards fodder, veterinary treatment , medicines, maintenance of sheds, wages and other legitimate expenses connected with the charitable object.
- (e) no portion of the sale consideration shall be utilized by the plaintiffs or any person connected with the institution for any personal or private purpose.
- (f) the plaintiffs shall maintain proper accounts of the sale consideration and its utilization and shall produce the same before this Court whenever required.



(g) the plaintiffs shall file before this Court, proof of deposit of the sale consideration and an account of its utilization once in 6 months.

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19.The plaintiffs shall be bound by the undertaking given before this Court. The suit is accordingly decreed as prayed for. No order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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