

A.No.1992 of 2020
in
C.S.No.204 of 1915

P.T.ASHA, J.,

The above application has been filed by the 1st applicant in A.No.5435 of 2019 for a direction that the property may be sold to the 1st respondent who was the next highest bidder in the public auction that had been conducted on 01.02.2020. The facts in brief that has resulted in the filing of the above application are as follows.

2. The deponent, who is the Managing Trustee of the Chaku Jaliah Naidu Charities, appointed by order of this Court dated 27.02.2019, would state that the trust is governed by the scheme decree. Since the erstwhile Managing Trustee was acting detriment to the interest of the Trust she had filed an application in A.No.9846 of 2018 to appoint her as a Managing Trustee and

this Court was pleased to appoint her so by order dated 27.02.2019. The property situate at Survey No.249 R.S.69/1, Triplicane Village, Block 2, Tipu Sahib Street, Municipal Door No.2/9, 1/10, 2/10, 11 to 15 measuring about 13668 Sq.ft belongs absolutely to the charities. Since the trust was in need of funds application in A.No.5435 of 2019 was filed to sell the said property.

3. This Court was pleased to appoint an Advocate Commissioner by order dated 07.01.2020 and he was directed to conduct auction of the property.

4. The Advocate Commissioner had taken the assistance of a valuer and after ascertaining the guideline value of the property from the website of the Registration Department of the Government of Tamil Nadu, upset price was fixed at a sum of Rs.50,00,000/-. The auction notice was published in the Tamil daily, *Malai Malar* dated 25.01.2020 and the auction sale was

conducted on 01.02.2020.

5. One, C.Padmanabhan, was the successful bidder, he having quoted a sum of Rs.66,00,000/- for the property. The respondent herein had quoted a sum of Rs.65,00,000/-. Therefore, Mr. C.Padmanabhan was declared as the successful bidder. Thereafter, the said C.Padmanabhan withdrew from the bids since in view of the pandemic he was not in a position to purchase the property. The 1st respondent who had also participated in the bid has now given concurrence to purchase the property at the price offered by the successful bidder i.e., Rs.66,00,000/-.

6. In the affidavit, it is further stated that there is an encroacher in the property which is the subject matter of the auction sale, namely, an extent of 800 Sq.ft. When the matter came up on 09.10.2020, this Court had directed the learned counsel for the applicant to verify as to whether the 1st

respondent was willing to better the offer to a sum of Rs.70,00,000/-. This morning, the 1st respondent had also appeared in the virtual Court and agreed to purchase the property at a sum of Rs.70,00,000/-

7. Considering the above, the 1st respondent is declared as a successful bidder and he shall remit a sum of Rs.70,00,000/- within a period of three weeks from the date of receipt of a copy of this order, to the Managing Trustee of the Trust. The acknowledgement for the receipt of payment shall be filed before the Court. This application is allowed accordingly.

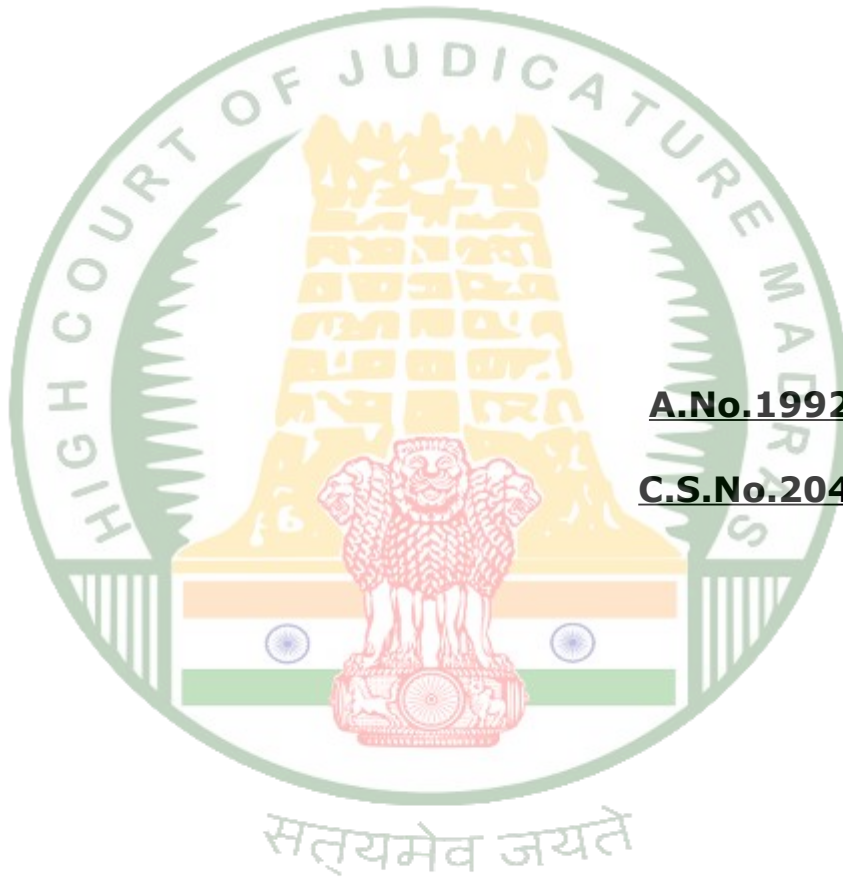
8. In case the 1st respondent is unable to pay the said sum within a period of three weeks, then the property should go for a fresh bidding.

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