

**O.P.No. 303 of 2022****C.V.KARTHIKEYAN, J.,**

This Petition has been filed under Section 34 of the Indian Trusts Act, 1882 by M/s. Dawoodi Bohra Jamaat Trust (Chennai), represented by its Authorised representative, Mr. Yusuf Shabbir Hussain, Anjuman E Burhani, Saifee Masjid at Chennai, seeking permission to sell the property described in the schedule of the Petition for better utilisation of the funds and purchase the property measuring 2319 sq.ft., at No. 115, Angappa Naicken Street, Chennai – 600 001.

2. The property described in the schedule which is the property belonging to the trust is land measuring 0.47.90 Hectares in patta No. 16598 in S.No. 198/1A in Puzhal Village, Madhavaram Taluk, in Chennai. The said property had been purchased by sale deed dated 08.07.1982, by His Holiness Dr.Syedna Mohammed Burhanuddin and registered as Document No. 3190 of 1982 in the Office of the Sub Registrar, Ambattur.



3. Subsequently by trust deed dated 14.10.2011 registered as Document No. 613 of 2011 in the office of the Joint-I Sub Registrar, North Chennai, a permanent irrevocable trust which is the petitioner trust herein had been established with the permission of the 52nd His Holiness Dr.Syedna Mohammed Burhanuddin. By a deed of declaration dated 16.05.2013 registered as Document No.16/2013 in the office of the Sub Registrar, Ponneri, the said property had been irrevocably declared to be vested for the petitioner trust.

4. An Addendum dated 27.02.2014 registered as Document No. 247/14 in the Office of the Joint-I Sub Registrar, North Chennai had been executed by the petitioner trust. It had been stated that according to the Addendum, the 52nd Dai-al-Mutlaq His Holiness Dr. Syedna Mohammed Burhanuddin and his Successors shall be the sole trustee of the petitioners' Trust.

5. The founder trustee died in Mumbai on 17.01.2014 and his son, His Holiness Dr.Syedna Mufaddal Saifuddin had been appointed as successor as the 53rd Dai-al-Mutlaq.



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6. It is stated that the petitioner trust now intends to sell the property for better utilisation to purchase the land and building at No.115, Angappa Naicken Street, Chennai – 600 001 which is situated adjacent to the existing Masjid from Taherally and Mulla Rubabbai Vagh Trust at a sale consideration of Rs.3,00,00,000/- (Rupees Three Crores). This would benefit the people of Dawoodi Bohra Community since more space would be created in the Masjid for the facility of the people.

7. It had been stated that the trustees had decided to sell the suit schedule property to any intending buyer offering the best price of more than rupees 2.58 Crores which is the present market value of the property. It is under these circumstances that this Petition has been filed.

8. The petitioner was directed to tender evidence and accordingly, the petitioner Mr. Yusuf Shabbir Hussain examined himself as PW-1. The original Board Resolution dated 05.02.2022 was marked as Ex.P-1, the certified copy of the trust deed dated 14.10.2011 was marked as Ex.P-2, the deed of declaration dated 16.05.2013 was marked as Ex.P-4, the certified



copy of the Addendum to the Trust Deed dated 12.02.2014 was marked as Ex.P-5. Thereafter, a paper publication was directed to be effected and a copy of the paper publication in “Makkal Kural” dated 16.07.2022 was marked as Ex.P-7 and the copy of the paper publication in “Trinity Mirror” dated 16.07.2022 was marked as Ex.P-8.

9. The intending vendor of the property at Angappa Niacken Street also filed an affidavit through I.Muffadal, who had been duly authorised to represent Taherally and Mulla Rubabbai Vagh Trust which is a society registered with the Registrar of Societies.

10. It had been stated in the affidavit that all the trustees are members of Dawoodi Bohra Community. They had passed a resolution on 20.12.2021 to sell the property at No.115, Angappa Naicken Street, Chennai – 600 001 to the petitioner trust for a total sale consideration of Rs.3/- crores. It had also been resolved that they will wait till the petition property is sold. The deponent of the affidavit I.Muffadal is also present in Court and he affirmed to the affidavit.



11. In view of the evidence produced, this Original Petition stands allowed.

12. The petitioner trust is permitted to sell the schedule mentioned property at Puzhal Village in Madhavaram for a competitive price of not less than Rs.2.58 crores. The total sale consideration received may be deposited in a Nationalised Bank and the fixed deposit receipt may be deposited with the Registry in the Original Side of the Madras High Court to the credit of O.P.No. 303 of 2022. When the intending vendor of the property in No.115, Angappa Naicken Street, Chennai -600 001 comes forward to execute the sale deed, necessary application may be made for payment out of the amount and the Registry may then release the amount lying in fixed deposit to the petitioner trust. The fixed deposit may be retained by the Registry till such application is filed.

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17.11.2022



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6

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