



WEB COPY



CRP.No.3253 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3253 of 2022

Renganayagi Charity Foundation Trust
Represented by its Managing Trustee
Mr.A.Suresh

... Petitioner

Vs.

Nil

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 08.06.2022 passed in Trust O.P.No.20 of 2022 by the learned Principal District Judge, Ariyalur, by allowing the above CRP.

For Petitioner : Mr.C.Umashankar



WEB COPY



CRP.No.3253 of 2022

ORDER

Aggrieved by an order dismissing the petition filed under Section 34 r/w 37 of Indian Trust Act, seeking permission of the Court to alienate the property belonged to the petitioner's trust, the present revision is filed.

2. The petitioner herein, claiming itself as private charitable trust, filed a petition before the Court below seeking permission of this Court to sell its property.

3. The said petition was mainly dismissed by the Court below on the ground that the petitioner has not submitted any draft proposal with regard to the fact how the sale proceeds will be applied towards achieving the object of the trust. It was also mentioned that the petitioner has not stated any acceptable reason for selling the property and what would be the expected sale proceeds and how the sale



CRP.No.3253 of 2022

proceeds will be applied.

WEB COPY

4. The learned counsel for the petitioner, at the outset, submitted that the petitioner's trust may be given an opportunity to lead sufficient evidence before the Court with regard to the necessity to sell the trust property, the draft proposals and regarding the application of the sale proceeds towards achieving the object of the trust.

5. The revision petitioner, who seeks permission of the Court to alienate the property of the trust, must lead necessary evidence to convince the Court regarding necessity for selling the property of the trust. Apart from that, the petitioner is expected to provide necessary materials, how the sale proceeds will be applied by him towards achieving the object of the trust. Then only, the Court will be in a position to form an opinion as to whether the permission sought for by



CRP.No.3253 of 2022

the petitioner can be granted or not.

WEB COPY

6. A reading of the petition filed by the revision petitioner before the Court below does not disclose how the sale proceeds would be applied towards achieving the object of the trust.

7. In view of the request made by the learned counsel for the petitioner, I am inclined to set aside the order passed by the Court below and direct the Court to have a fresh look at the petition seeking permission to alienate the trust property, after giving sufficient opportunity to the revision petitioner to lead necessary evidence in support of his claim.

8. With the above observation, the matter is remanded back to the file of the Principal District Judge, Ariyalur, with liberty to the



CRP.No.3253 of 2022

petitioner to lead additional evidence in support of his prayer for alienating the trust property.

9. The Court below is directed to dispose of the O.P.No.20 of 2022, within a period of three months from the date of receipt of a copy of this order.

10. With the above direction, this Civil Revision Petition is disposed of. No costs.

12.10.2022

Index : Yes / No
Internet : Yes / No
dna

To

The Principal District Judge, Ariyalur.

5/6



WEB COPY



CRP.No.3253 of 2022



WEB COPY



CRP.No.3253 of 2022

S.SOUNTHAR, J.

dna

CRP.No.3253 of 2022

12.10.2022