



O.P.No.564 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.564 of 2022

Sir John Demonte Trust
Represented by its Sole Trustee
Most Rev. Dr.George Antonysamy,
Archbishop of Madras-Mylapore,
Archbishop's House, No.41, Santhome High Road,
Chennai-600 004, Rep, by his Power of Attorney,
Rev. Fr.B.Stephen

... Petitioners

PRAYER: Original Petition filed under Section 7 of the Charitable and Religious Trust Act 1920 read with Order XVI Rule 8 of the Original Side Rules, prays that to approve the scheme framed by the Petitioner trust in paragraph 10 to 12 to lease the land namely land situated in 13.32 grounds, belonging to Sir John Demonte Trust, comprised in Plot No.27, Door No.135 and New Door No.138, Plot No.28 in Door No.136, Plot NO.27, Old Door No.19, New Door No.39, Plot No.29 Old Door No.18, New Door No.37, Demonte Colony, St Marys Road, Alwarpet, Chennai-600 018



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comprised in S.No.3676 part, Block No.73, Mylapore Village, Triplicane-My lapore Taluk, Chennai District, Corporation of Chennai, bounded on the, North by: Land belonging to Sir John Demonte Trust, South by: St. Mary's Road, West by: Demonte colony Street, East by: Land in S.No.3674, Situated within the Registration District of Chennai-Central and Sub Registration of Mylapore, morefully described in the schedule hereunder, as per the aims and objects and the purpose for which the Trust was created and as per the order passed by the supreme court dated 14.12.2011 in Civil Appeal bearing No.3052/20006, by,

- (a) calling for public offers by placing advertisement in Newspaper;
- (b) to scrutinize the offers in consultation with the property consultant appointed by the Petitioner, and select the most advantageous offer, in the best comprehensive interest of the Petitioner, and;
- (c) to execute registered lease deed with the prospective lessee.

For Petitioners : Mr.Sriram Panchu, Senior Advocate
for M/s.Auxilia Peter



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ORDER

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This petition is instituted by the sole trustee of the Sir John Demonte Trust under Section 7 of the Charitable and Religious Trusts Act 1920. The petition is in respect of vacant land ad-measuring about 13.32 grounds, which is more fully described in the schedule to the petition.

2. In paragraphs 8 and 9, the petitioner has referred to the appointment of a reputed property consultant to undertake the activities set out in paragraphs 9 and 10.

3. In support of this petition, Rev.Fr.B.Stephen was examined as PW1. In course of the examination of PW1, the documents set out at the foot of the petition were exhibited as Exs.P1 to P7. The certified copy of the probate order dated 28.09.1827 granted by the Supreme Court of Judicature at Madras along with last Will and Testament and Codicil of Sir John de Monte is exhibited as P2. The certified copy of the order of the Supreme Court in Civil Appeal No.3052 of 2006 dated 19.01.2012 is exhibited as



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Ex.P3. Under Exs.P4 to P7, details of the proposal of the property consultant with regard to the development of the property are set out.

4. By taking into account the assertions in the petition and the evidence recorded in support thereof, the petitioner is entitled to succeed. Accordingly, this petition is allowed as prayed for in paragraph 19 of the petition, including prayers (a) to (c) therein.

07.12.2022

Index : Yes / No

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Petitioner's witness:

P.W.1 – Rev.Fr.B.Stephen

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original power of attorney dated 04.09.2022 given by the petitioner trust in favour of me.
Ex.P2	The certified copy of the probate order dated 28.09.1827 granted by the Supreme Court of Judicature at Madras along with last Will and Testament and Codicil of Sir John De Monte.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	The Certified copy of the Order of the Supreme Court in Civil Appeal No.3052 of 2006 dated 19.01.2012.
Ex.P4	The original JLL project initiation form.
Ex.P5	The printed copy showing the head of terms in respect of estate of Sir John Demonte – Phase 9.
Ex.P6	The printed copy of commercialization approach in respect of estate of Sir John Demonte – Phase 9.
Ex.P7	The printed copy of the Brochure of JLL Company.



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SENTHILKUMAR RAMAMOORTHY,J

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