



O.P.NO.20 OF 2023

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N.SATHISH KUMAR, J.

This Original Petition has been filed under Section 34 of the Indian Trust Act, 1882 to grant permission to sell the schedule of property being a vacant land measuring 3108 sq.ft bearing new Door No.33 (31/1), Old Door No.7, situated in West Mambalam, Chennai, more particularly described in the schedule hereunder by way of Joint Venture Agreement dated 03.11.2021 and permit part of the sale proceeds to be invested in constructing the property and also to deposit the balance amount in the name of the Trust account.

2.It is the case of the petitioner that the petitioner - Trust has been founded by one P.Haridoss Venkata Varada Doss. On 09.07.1915, he executed a Will and appointed one D.Venkata Rangiah, son of Dhenuva Konda Pappiah as his successor. He bequeathed with all absolute rights and patta lands and houses in the name in Jamin Mambalam and Stotriyam Puliyur Villages. The object of the petitioner - Trust is to perform daily Aradhana, Athidhi abhyagatha kainkaryams, Sreeramanavami, Sri Narasimha Jayanthi festivals and periodical performance of Bajana etc.



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3.It is the contention of the petitioner - Trust that large extent of the land is lying vacant and is prone for encroachment. According to the learned counsel for the petitioner - Trust, the income derived from the Trust properties are not only used for the petitioner - Trust but also for the nearby temples. The scheme is meant for the better beneficial interest of the petitioner's Trust and to achieve the objects of the Trust, they have intended to enter into a Joint Venture Agreement with the respondent on 03.11.2021, wherein it is agreed that the respondent shall develop the property and the petitioner will hold 40% and the respondent will hold 60% of the property. Hence, the petitioner seeks permission of this Court to sell the property mentioned in the schedule.

4.On the side of the petitioner, the petitioner himself has examined as P.W.1 and Exs-P.1 to P14 were marked. P.W.1 in his evidence has spoken about the nature of the object of the Trust and its property. Ex-P.1 is filed to show the Resolution passed by the Trust Board on 01.04.2021 for sale of the property. Ex-P.2 is filed to show that the Trust was created in the Will dated 09.08.1941. Ex-P.5 is filed to prove that some of the properties have been sold on 21.10.2016. Ex-P.6 is the original Joint Venture Agreement dated 03.11.2021 entered into between the petitioner and the respondent. Ex-P.7 is the original valuation report dated 29.01.2022. The evidence of P.W.1 proves that the subject property is a vacant land and prone for encroachment and in order to prevent the encroachment and also for



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the augmentation of the income to achieve the object of the Trust as well as to meet out the expenses of the Trust as well as the nearby Temples, the sale is required.

5.Considering the evidence and also considering the fact that the property viz., vacant land is situated in West Mambalam, which is also prone for encroachment, this Court is of the view that the property can be used in a better way for the benefit of the Trust and also the nearby Temples.

6.Accordingly, permission is granted and this Original Petition is ordered as prayed for.

21.11.2023

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