



C.R.P(MD)No.955 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

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Mankind Enlightenment Love (MEL) Trust,
Represented by its Founder and Managing Trustee,
Dr.Sr.Amalavathy
No.31/A, Anna Nagar,
Subramaniyapuram,
Tiruchirappalli Town & District.

... Petitioner/Petitioner

Vs.

Nil

... Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 16.11.2022 rendered in Trust O.P.No.354 of 2021 on the file of the Principal District Judge, Tiruchirappalli.

For Petitioner : Mr.S.Balasubramanian

ORDER

The present civil revision petition has been filed against the fair and decreetal order, dated dated 16.11.2022 rendered in Trust O.P.No. 354 of 2021 on the file of the Principal District Judge, Tiruchirappalli.



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2. The petitioner/public trust has filed Trust.O.P.No.354 of 2021

before the Principal District Court, Tiruchirappalli. The said O.P. was dismissed by the Principal District Court, Tiruchirappalli with the following observations:

"12. In such circumstances, while analyzing the evidence of PW1 and Ex.P1 to Ex.P3, the trust which has been formed for the public purpose in order to help the public and the properties which has been sold by the trust must be utilized in order to fulfill the object of the trust for which it has been created. For which unless acceptable documents to show that the properties must be sold in order to fulfill the particular object for which the trust has been created and the petitioner cannot be allowed to sell the trust properties. In such circumstances, since the petitioner who has not established either through oral or through documentary evidence, the purpose for which the properties are necessarily to be sold to fulfill the particular object for which the trust has been created. While so, the claim made by the petitioner for selling the properties for the benefit and to fulfill the object of the trust cannot be acceptable. Hence, I do not find any merit in allowing the petition and to permit the petitioner to sell the petition mentioned properties. Since there is no satisfactory evidence to show that sale is for the benefit of the Trust, this Court is not inclined to grant permission to the petitioner and the claim of the petitioner is not sustainable. Accordingly, I answered the points 1 and 2.

In the result, this petition is dismissed. No cost."

3. A perusal of the documents filed before the Principal District Court, Tiruchirappalli indicates that the resolution was passed in Exhibit B3, dated 11.11.2021. The resolution also precedes an agreement for



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selling the property of the trust under a sale agreement, dated 15.11.2021. Pursuant to the aforesaid sale agreement, the petitioner also appears to have received the part of the consideration and that balance is to be paid. The Court has declined the permission by stating that the Court is not convinced with the reasons stated therein. The trust can bring the property for sale for the purpose of the objects for which the trust has been created.

4. A reading of the resolution indicates that the resolution is vague and it merely states that the Managing Trustee is empowered by other trustees to bring the property to sale for improving the object for which the trust has been created. However, the resolution does not clearly states as to whether improvements are proposed to be made by selling the property purchased by the trust by sale deed, dated 24.01.2007 vide Document No.355 of 2007.

5. Considering the above, I am of the view that the impugned order passed by the Principal District Court, Tiruchirappalli on 16.11.2022 cannot be interfered with. At the same time, liberty is given to the trustees of the petitioner to pass appropriate resolution giving the



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particulars of which the property are proposed to be sold and how the sale of the property is proposed to be utilised for improving the objects of the trust.

6. The present Civil Revision Petition stands dismissed with the above observations. No costs.

06.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Principal District Judge,
Tiruchirappalli.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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