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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.08.2024

Pronounced on : 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.S.No.138 of 2024

1.Ganapathi Sachchidananda Swamiji
alias G.Sathyanarayana,
Pontiff,
Avadoota Datta Peetham,
Sri Ganapathi Sachchidananda Ashram,
Datta Nagar, Mysore-570 025.
represented by his duly constituted
Power of Attorney Agent, Usha Sankaran,
No.6/13, Second Cross Street,
Seshadripuram, Velachery,
Chennai-600 042.

2.Sri Ganapathi Sachchidananda Trust,
a Public Charitable Trust,
represented by its Trustee,
Usha Sankaran,
Sachchidananda Nagar,
Velachery, Chennai- 600 042.

3.Usha Sankaran,
Trustee, Sri Ganapathi Sachchidananda Trust,
residing at No.6/13, Second Cross Street,
Seshadripuram, Velachery,
Chennai-600 042.



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4.A.Krishna Pillai

.. Plaintiffs

This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules and under Section 92(1)(f) of the Civil Procedure Code read with Order IV Rule 1 of C.P.C, 1908, prayed for a judgment and decree :-

i) Permitting the 1st and 2nd plaintiffs to sell the property bearing Door No.2/1, then bearing Old Door No.7, present New Door No.11, Kutchery Road, Mylapore, Chennai-600 004, comprised in R.S.Nos.2602/2&2602/5, Block No.53 of Mylapore(Part 2) Village, of an extent of 4461square feet, and utilise the sale proceeds for the construction activities and other beneficial activities of the 2nd plaintiff Trust in Velachery, Chennai- 600 042.

(b) For costs of the suit.

For Plaintiffs : Mr.Mr.K.R.Ramesh Kumar

For Defendant : Ex-parte

J U D G M E N T

This suit is filed under Order IV Rule 1 of the Original Side Rules and under Section 92(1)(f) of the Civil Procedure Code read with Order IV Rule 1 of C.P.C, 1908.



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2. The suit has been filed by the plaintiffs in the matter of the Indian Trusts Act and in the matter of the asset of Sri Ganapati Sachchidananda Trust, Chennai.

3. Sri Ganapati achchidananda Trust is a public Trust represented by the Trustee Usha Sankaran, who has moved the civil suit under Section 92(1)(f) of CPC to sell the schedule of property and seeks the permission of this Court for the reasons in the plaint.

4. A.No.2835 of 2024 was moved to sue and the same was allowed on 18.06.2024. Thereafter the suit was numbered and posted before the learned Master. Paper publication of the intended permission and sale of the schedule property by the Trust was effected. The learned Master has not received any objection. The third plaintiff, who is the Trustee of the Trust examined herself as PW1 and deposed on the lines of the averments made in the plaint and marked as Ex.P1 to Ex.P10 as follows:

(1) Ex.P1 is the photocopy of the Deed of Power of Attorney



registered as Doc.No.81 of 2022 in the office of the Sub-Registrar, Patamata, Vijayawada dated 11.04.2022. (Compared with original Power of Attorney)

(2) Ex.P2 is the photocopy of the Deed of Trust of the 2nd petitioner Doc.No.104 of 1989 Office of the Sub-Registrar, Velachery dated 22.02.1989. (Compared with original Deed of Trust).

(3) Ex.P3 is the original Resolution of the Board of Trustees of the 2nd plaintiff dated 17.05.2024.

(4) Ex.P4 is the photocopy of the Settlement Deed Doc. No. 1084 of 1972 Office of the Sub Registrar, Mylapore dated 09.06.1972. (Compared with original Settlement Deed).

(5) Ex.P5 is the photocopy of the Settlement Deed Doc. No. 1317 of 1974 Office of the Sub-Registrar, Mylapore dated 29.07.1974. (Compared with original Settlement Deed).

(6) Ex.P6 is the certified copy of the Sale Deed Doc. No.696 of 1988 Office of the Sub-Registrar, Mylapore dated 12.04.1988.

(7) Ex.P7 is the original Order made in OP.No.826 of 2013 dated 14.10.2014.



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(8) Ex.P8 is the original Valuation certificate for the suit property dated 26.02.2024.

(9) Ex.P9 is the original Estimates.

(10) Ex.P10 is the original Certificates of Encumbrance dated 01.01.1972 to 15.05.2024.

and again the matter is posted before the Court.

5. Heard Mr.K.R.Ramesh Kumar, learned counsel for the plaintiffs Trust and perused the records.

6. After hearing the submissions of the learned counsel and perusal of the plaint averment and the oral evidence of PW1 and documentary evidence filed as stated supra, I find that the first plaintiff has appointed the third plaintiff as Power Agent and the second plaintiff is represented by the Usha Sankaran and the third plaintiff is authorised to represent the second plaintiff.

7(a). The property bearing Door No.2/1, then bearing Old Door No.7, present New Door No.11, Kutchery Road, Mylapore, Chennai-



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600004, comprised in R.S.Nos.2602/2 & 2602/5, Block No.53 of Mylapore (Part 2) Village, of an extent of 4461 square feet or thereabouts was settled on the 1st plaintiff, under two Deeds of Settlement (i). dated 9.6.1972, registered as Document No.1084 of 1972 and (ii). dated 29.7.1974, registered as Document No.1317 of 1974, besides which, for the beneficial enjoyment of the said property, a minor extent of 550 square feet adjacent to the property so gifted, was purchased in the name of the 1st plaintiff, under a Deed of Sale dated 12.4.1988, registered as Document No.696 of 1988.

7(b). The property was utilised for the religious activities of the 1st plaintiff, who is the Pontiff of the religious institution, Avadhootha Datta Peetam, which is having its principal activity at Mysuru besides Ashrams all over India and the world. The Junior Pontiff of the Peetam is Sri Datta Vijayananda Teertha Swamiji. Presently, there is also an Ashram in Velachery, Chennai, run by the 2nd plaintiff Trust, where religious and social activities are being carried on. The said Ashram in Velachery was established in or about 1989. The 2nd plaintiff is carrying on all the social and charitable activities with its office in



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Velachery, Chennai. There is another Trust named Adi Guru Dattanjaneya Trust, which is carrying on the religious activities in the Ashram.

7(c). Though the documents of title stand in the name of the 1st plaintiff, the property has always been utilised only as the property of the 2nd plaintiff Trust and is therefore endowed with the character of a Trust property. The activities were originally carried on in the suit property but by reason of the development of the said area, which had become very congested, the need was felt to shift the activities to a bigger property. Consequently, the Ashram was shifted to Velachery in the early 1990s, where the activities are being presently carried on.

7(d). With a view to ensure a steady income to the 2nd plaintiff Trust for its recurring monthly overheads, social and charitable activities in the Ashram at Velachery, it was proposed originally to develop the suit property in joint venture. Consequently, an original petition in O.P.No.826 of 2013 was filed in this Hon'ble Court under Section 7 of The Charitable and Religious Trust Act, 1920, praying for permission to develop the property, under a joint development agreement with a



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partnership firm Serenity Builders, having its office at No.97/1, South Phase, Industrial Estate, Ambattur, Chennai 600058. The said Original Petition was allowed by order dated 14.10.2014. However, the development did not commence and could not take place due to various reasons)

7(e)The Plaintiffs therefore filed an application to modify the said order and sought for permission to sell the property.The Plaintiffs are therefore filing the present suit, seeking permission to sell the suit property. The Plaintiff are also withdrawing the application filed to modify the earlier order dated 14.10.2014 in Diary No.44460 of 2024 in O.P. No. 826 of 2013, on the file of this Hon'ble Court. The plaintiffs, after waiting for nearly 10 years, with the consent and concurrence of the developer, have decided to give up the proposal for joint development of the property and instead out-right sale of the property for the best possible consideration. The lands in which the Ashram is situate is jointly owned by the 2nd Plaintiff and the principal Trust at Mysore, Avadhoota Datta Peetham Trust. The plaintiffs further state that the existing place of stay of the Pontiff, the 1 plaintiff and the Junior Pontiff,



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in the Velachery Ashram, is highly dilapidated and structurally unsafe, having been constructed more than 40 years ago and having been affected due to the floods, water logging and damage caused as a consequence thereto. It also becomes inaccessible during rains.

7(f) A new dining hall to cater to the devotees and public at large has therefore become necessary and it is proposed to elevate the entire area to house the said dining hall and construct a fresh building to house the dining hall.

7(g) It has therefore become necessary to re-develop the building which houses the place of stay of the Pontiff and the Junior Pontiff, for the stay of the Junior Pontiff alone and also provide accommodation for the inmates of the Ashram, devotees and other persons involved in the activities of the 2nd plaintiff, coming to Chennai from all over India and other persons connected with the social and welfare activities of the 2nd plaintiff besides construction of a new dining hall. A separate place of stay for the Senior Pontiff planned in a neighbouring plot owned by the Trust, Avadhoota Datta Peetham, Mysore, the expenses for which will be borne by the said Trust. Hundreds of people congregate in the Ashram many times in a year, for



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important social, musical and religious activities. The estimated cost of construction of the building for stay of the Junior Pontiff works out to Rs.2,00,00,000/-. The value of the construction for the dining hall works out to approximately Rs. 1,25,00,000/-. The value of the construction of the staff quarters and place for stay of the devotees and other persons involved in the activities of the 2nd plaintiff works out to Rs. 1,50,00,000/-. In all the total value of the proposed development works out to Rs.4,75,00,000/-.

8. The monthly recurring expenses is estimate is Rs.1,50,000/-.

The Trust seeks permission of the Court to improve the Trust property at Velachery and estimated sale value of the property at Kutchery Road, Mylapore, Chennai-600 004 as per the report of the approved valuer is Rs.8,68,20,000/- and seeks further permission to maintain the balance of sale process to be deposited in the National Bank. After perusing the affidavit and documents, I find that sale of the schedule property could be beneficial to the Trust has to be utilised for construction of damaged building of the Trust property at Velachery, Chennai and balance of the amount is for the utilisation and for maintenance of the Trust. Taking



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into consideration the object of the Trust as stated by the PW1, I am inclined to grant permission.

9. Accordingly, the plaintiffs are permitted to sell the property subject to the following conditions:

(i) The plaintiff shall look out for the prospective purchaser and to sell the property for an amount not less than 9.0 crores;

(ii) After completion of the sale, the registered sale deed has to be deposited before this Court and balance of the amount after utilisation for the renovation of Trust property at Velachery shall be filed before this Court;

(iii) To that effect, memo of calculation to be filed before this Court within 60 days of the registration of the sale deed and;

(iv) Balance, if any left out, has to be deposited in the Indian Bank branch at High Court, Madras and the same shall be utilised for the Trust and the plaintiffs are permitted to withdraw the interest once in three months.



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10. With the above conditions, the suit is **allowed**. No Costs.

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1. List of Witnesses examined on the side of the plaintiff:-

P.W.1 – Mrs.Usha Sankaran

2. List of Exhibits Marked on the side of the plaintiff: Exs.P1 to P10

S.No	Exhibits	Description of Documents
1	P1	Photocopy of the Deed of Power of Attorney registered as Doc.No.81 of 2022 in the office of the Sub-Registrar, Patamata, Vijayawada dated 11.04.2022. (Compared with original Power of Attorney)
2	P2	Photocopy of the Deed of Trust of the 2nd petitioner Doc.No.104 of 1989 Office of the Sub-Registrar, Velachery dated 22.02.1989. (Compared with original Deed of Trust).
3	P3	The original Resolution of the Board of Trustees of the 2nd plaintiff dated 17.05.2024.
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5	P5	The photocopy of the Settlement Deed Doc. No. 1317 of 1974 Office of the Sub-Registrar, Mylapore dated



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S.No	Exhibits	Description of Documents
		29.07.1974. (Compared with original Settlement Deed).
6	P6	The certified copy of the Sale Deed Doc. No.696 of 1988 Office of the Sub-Registrar, Mylapore dated 12.04.1988.
7	P7	The original Order made in OP.No.826 of 2013 dated 14.10.2014.
8	P8	The original Valuation certificate for the suit property dated 26.02.2024.
9	P9	The original Estimates.
10	P10	The original Certificates of Encumbrance dated 01.01.1972 to 15.05.2024.

3. List of witnesses examined on the side of the defendant:Nil

4. List of Exhibits marked on the side of the defendant:Nil

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Neutral citation : Yes / No

Index : Yes / No

Speaking order : Yes / No



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RMT.TEEKAA RAMAN,J.

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Pre-delivery Judgment in
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