



C.R.P.(MD)No.362 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.362 of 2024

and

C.M.P.(MD)No.1683 of 2024

R.Mahadevi

... Revision Petitioner / Sole Petitioner / 3rd Party

Vs.

1.Dindigul Vishwakarma Arakattalai,
Registration No.220/2001,
D.No.1, R.V.Nagar, Dindigul Town,
Dindigul District,
Represented by its President,
A.Kandhasamy,
S/o.K.Arumugam Asari.

... Respondent No.1 / Respondent No.1
/ Plaintiff

2.A.Prabhakaran

... Respondent No.2/ Respondent No.2/
Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the learned Principal District Court, Dindigul and order made in I.A.No.2 of 2023 in O.S.No.387 of 2021 and set aside the fair and decreetal order dated 04.01.2024 and permit the petitioner to implead as a party to the suit.



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For Petitioner : Mr.M.Vivek Bharathi

For Respondents : Mr.A.Arul Jenifer
for R1

ORDER

Heard the learned counsel on either side.

2. The first respondent herein filed O.S.No.387 of 2021 on the file of the Principal District Judge, Dindigul seeking permission to sell the suit property in favour of the defendant A.Prabhakaran. In the said suit, the petitioner herein filed I.A.No.2 of 2023 to get herself impleaded. The said IA was dismissed vide order dated 04.01.2024. Questioning the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the petitioner made serious allegations against the plaintiff. Her core contention is that a valuable property is sought to be sold for a song in favor of the son of one of the office bearers of the Trust. The learned counsel appearing for the plaintiff submitted that the plaintiff Trust needs to raise funds by disposing of the petition mentioned property. It was further submitted that the defendant A.Prabhakaran alone has come forward to take the property and that is why, the suit was instituted seeking permission.



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4. The learned counsel appearing for the revision petitioner drew my attention to the Judgment rendered in ***Civil Appeal No.490 of 2022(Parsi Zoroastrian Anjuman, Mhow Vs. The Sub Divisional Officer/Registrar of Public Trusts)*** by the Hon'ble Apex Court on 28.01.2022. It was held therein that the Trust property has to be necessarily sold only in a public auction. They cannot be disposed of through the private negotiation. I therefore direct the court below to bring the property to public auction. The petitioner herein can very well participate in the same. The property can be sold to the highest bidder. Rs.33,00,000/- will be the upset price. The court below shall complete this process within a period of four months from the date of receipt of a copy of this order.

5. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2024

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

To:

The Principal District Court, Dindigul.



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G.R.SWAMINATHAN, J.

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