



WEB COPY

A No. 4061 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

A No. 4061 of 2012

in

C.S.No.15 of 1967

1. S. Ali Ispahani
177/5 Poonamallee High Road Chennai
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Applicant(s)

Vs

1. The Administrator General
And Official Trustee Of Tamil Nadu
Chennai 104

Respondent(s)

PRAYER

To give necessary direction to the Official Trustee to enable S.A.A. Ispahani Trust to put up a new construction at No.6 Philips St, Chennai 1

For Applicant(s): Mr.T.R.Rajagopalan, Senior
Counsel, for Mr. N.Varadarajan



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For Respondent(s): Mr. D.Lingeswaran
Administrator General And
Official Trustee Of Tamil Nadu

ORDER

(Order of the Court was made by S.S.Sundar J.)

This application is filed by a Member of the Advisory Board of Hajee Mirza Mehdi Ispahani Charities, for a direction to the learned Administrator General and Official Trustee of Tamil Nadu (“AG & OT” for brevity) so as to enable S.A.A. Ispahani Trust to put up a new construction at No.6, Philips Street, Chennai – 1.

2.In the affidavit filed in support of the application, it is stated that the property, which is the subject matter of this application, is situated at Door No.6, Philips Street, Chennai – 1, which is one of the prime localities in the Chennai City. The property is near N.S.C. Bose Road which is a busy commercial hub of Chennai City. It is admitted that the Trust came under the administration of learned AG & OT by a Scheme Decree dated 21.02.1972. The charities named under the Scheme were to be performed by the Advisory Board



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consisting of three Members who will hold office for a period of three years. It is also stated that the learned AG & OT, after getting appropriate orders from this Court, had vacated the tenants and got possession of the property. Since the property was in a dilapidated condition, the entire building was also demolished by the learned AG & OT. Even before demolition, it is stated that the property was fetching a very nominal rent and that therefore, it is stated that the Trust may be given permission to put up a new construction in the subject property. It is stated by the applicant that, neither the learned AG & OT nor the Members of the Trust Board have any funds to meet the cost of construction. Therefore, it is stated in the affidavit that a Trust by name S.A.A. Ispahani Trust, which is also a Public Trust, has necessary funds and has experience in developing properties so as to augment the income. It is stated that the said S.A.A. Ispahani Trust has agreed to support the Hajee Mirza Mehdi Ispahani Charities to develop the property so that the Trust will get regular income from the property.

3. It is to be seen that this application was filed in 2012 and is pending for a long time. The learned AG & OT has no serious objection for permitting the



construction by S.A.A. Ispahani Trust. It is also stated that the learned AG & OT does not have funds, as the entire rental income received from all the properties of the Trust are given back to the Advisory Board for performing the charities as per the Scheme Decree.

4.It is in the said circumstances, this application has to be allowed. Accordingly, **this application is allowed** and the learned AG & OT is directed to give necessary permission so as to enable S.A.A. Ispahani Trust to put up new construction at No.6, Philips Street, Chennai – 1, without prejudice to the rights of AG & OT under the Scheme Decree.

03-04-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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S.S.SUNDAR J.

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