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A No.1282 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

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THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

**A Nos.1282, 1283 & 1284 of 2025
in C.S.No.242 of 1986**

1. L.K.Nalini Ammal

2. L.K.Hemanthraj Kumar

3. L.K.Jairaj Kumar

Applicant(s) in all applications

Vs

P.T.Lee Chengalvaraya Naicker Trust,
No.2-3, EVK Sampath Salai,
Vepery, Chennai 600 007.

Respondent(s)

PRAYER in A.No.1282 of 2025: Application filed under Order XIV Rule 8 of O.S.Rules read with Section 151 CPC to direct the respondent to pay the monthly maintenance and allowances and other affiliated financial and other benefits to the applicants herein regularly without fail.

PRAYER in A.No.1283 of 2025: Application filed under Order XIV Rule 8 of O.S.Rules read with Section 151 CPC to direct the respondent to immediately inspect the condition of the property and take measures to reconstruct the property in accordance with Clause 20 of the scheme of the respondent Trust.



PRAYER in A.No.1284 of 2025: Application filed under Order XIV Rule 8 of

O.S.Rules read with Section 151 CPC to direct the respondent to pay a sum of

INR 4,39,135/- (Rupees Four Lakhs Thirty Nine Thousand Hundred and Thirty

Five only) to applicant for tax and water supply charges, charged by the

Chennai Metropolitan Water Supply and Sewerage Board.

In all applications:

For Applicant(s): Mr.Dhanaram Ramachandran
For M/s. D.R.Law Chambers

For Respondent(s): Mr.E.Manoharan

COMMON ORDER

These applications have been filed by the three applicants taking undue advantage of their status as descendants of late P.T.Lee Chengalvaraya Naicker who had, in his Will dated 04.10.1870, according to the applicants, permitted the descendants of his younger brother P.T.Madurai Naicker to occupy the land and building at No.53/24, Maddox Street, Choolai, Chennai 600 012, measuring about 9175 sq.ft. which is equivalent to 3.82 grounds for ever and ever.

2.The first applicant is the widow of L.V.Kulasekaran, who is the grandson of Late P.T.Lee Chengalvaraya Naicker and the second and third



applicants are the sons of the first applicant. The second applicant is working as a Sub Inspector of Police in the Tamil Nadu Uniformed Service.

3.In these applications, the applicants claim that the Trust which had been created by P.T.Lee Chengalvaraya Naicker, called the P.T.Lee Chengalvaraya Naicker Trust should pay monthly maintenance and allowances and affiliated financial and other benefits to them (A.No.1282 of 2025) and to direct the respondents namely, the officials of the Trust to immediately inspect the condition of the property and take steps to reconstruct the property in accordance with clause 20 of the Scheme of the respondent Trust (A.No.1283 of 2025) and to direct the said respondent Trust to pay a sum of Rs.4,39,135/- to the applicants towards water tax and water supply charges which had been charged by the Chennai Metropolitan Water Supply and Sewerage Board.

4.In the common affidavit filed in support of the three Judges Summons, it had been contended that under the Will, there is a mandate to pay maintenance and allowances to the family members of P.T.Madurai Naicker



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who is the younger brother of P.T.Lee Chengalvaraya Naicker and their descendants during their life time. It had been stated that a Scheme had been framed by Judgment dated 01.04.1999 for the Trust to be managed independently by appointment of a Board of Trustees.

5.It had been further stated that clause 8 of the Will dated 04.10.1870 specifically provided for monthly allowances and financial allowances to be paid to the descendants of P.T.Madurai Naicker/younger brother of P.T.Lee Chengalvaraya Naicker. It had been further stated that there were several other beneficial measures which had been stated in the Will and also under the Scheme which had been formulated by the Judgment dated 01.04.1999.

6.It had also been stated that the applicants were not able to manage the property and therefore, they let portions of the premises for rent. It had been contended that a notice had been issued by the Pachaippa's Trust which was earlier entrusted with the responsibility of administering the P.T.Lee Chengalvaraya Naicker Trust in the year 1988 to the tenants and that the tenants



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had stopped paying the rents to the applicants. Thereafter, the respondents had filed C.S.No.687 of 2008 which suit was transferred to the City Civil Court and renumbered as O.S.No.4210 of 2020, on the file of the XXI Additional City Civil Court, Chennai, arraying the applicants herein as well as the tenants of the rented portions as defendants and seeking eviction against the tenants. It is contended that the suit was dismissed by Judgment dated 18.02.2023 holding that the applicants were not barred from leasing out the properties to tenants. It had been further stated that three tenants had defaulted in the payment of rents and the applicants had initiated RLTOP No.502-506 of 2024 before the XV Court of Small Causes, Chennai for eviction and during arguments, the learned counsel stated that an order had been passed directing the eviction of the said three tenants.

7.It had been further stated that there is no justifiable reason given for the first respondent to withhold the payment of maintenance and other allowances to the applicants. It had also been further stated that all the three applicants are now entitled to receive a sum of Rs.15,66,000/- each which is according to them are the dues which are pending towards payment of maintenance and

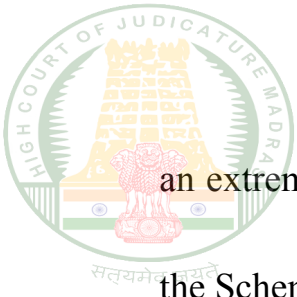


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allowances from the respondent Trust. It had been stated that so far as the second and third applicants are concerned, a sum of Rs.31,32,000/- will have to be paid by the Trust to them.

8.It had also been stated that the property tax should have been paid by the Trust, but since the Board had never come forward to pay the property tax or any other statutory obligation, the applicants have paid the same out of their own pockets. It had been further stated that the Chennai Metropolitan Water Supply and Sewerage Board had issued a notice on 22.01.2025 seeking arrears to a sum of Rs.4,39,195/-, and that failing payment, they would disconnect the water and sewerage connection. It is under those circumstances that A.No.1284 of 2025 had been filed seeking a direction against the respondents to pay the said payment raised by the Chennai Metropolitan Water Supply and Sewerage Board.

9.With respect to the payment of maintenance and allowances, the applicants have filed A.No.1282 of 2025. In the affidavit, it had been further stated that the residential premises was built about 200 years ago and that it is in



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an extremely dilapidated condition. It had been further stated that clause 20 of the Scheme of the Trust provides that a qualified Engineer could be appointed to take control and examine the building of the Trust and provide advice about construction of any new building. It had been further stated that the building in which the applicants are residing runs the risk of collapsing at any point of time and therefore, they claim that the officials of the Trust must visit the building, inspect it and take a decision to demolish it and reconstruct it.

10.A common counter affidavit had been filed by the respondents, wherein they have stated that the claim of Rs.15,66,000/- towards monthly maintenance and other financial benefits is not supported by any material evidence and has no legal foundation. It had been stated that a sum of Rs.7,000/- has been determined by the Board of Trustees as subsistence allowance to be paid per month. It had also been stated with respect to the Judgment delivered in O.S.No.4210 of 2020, an appeal had been filed, which is pending. It had also been stated with respect to the increase in the subsistence allowance, that a Committee had been formed by the respondent Trust to



examine the quantum of the subsistence allowances to be paid taking into consideration, the economic status of the eligible descendants. It had been stated that the demand by the second and third applicants for a sum of Rs.31,32,000/- is also far fetched and there is no legal basis upon which such demand is made.

11.With respect to the building, it had been stated that the superstructure had been raised about 150 years ago and it is admitted that it is in a dilapidated condition and not fit for human habitation. It had been stated that the respondents had requested the applicants to vacate the premises, but the applicants have failed to do so. With respect to the tenants, it had been stated that there are more number of the tenants, who are occupying the premises and unless the applicants and tenants vacate the building, it may not be possible to take a decision about demolition and reconstruction.

12.Heard arguments.



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13. The learned counsel for the applicants stated that the applicants had let out on tenancy, three portions measuring about 1500 out of 9.175 sq.ft. The learned counsel took the Court through the provisions of the Will which provided for payment of monthly maintenance called subsistence allowance to the male descendants of P.T. Madurai Naicker, who is the younger brother of P.T. Lee Chengalvaraya Naicker. In the Will dated 04.10.1870, the monthly subsistence allowance was determined at Rs.35/- per month and later that was enhanced by a further document on 13.04.1973 to Rs.100/-. In the counter filed, it had been stated that the monthly maintenance now being paid is Rs.7,000/- per month. The learned counsel however stated that the applicants are entitled for maintenance taking into consideration the value of the standard of life required at the present age and though he did not specify the amount which the applicants expect to be paid as subsistence allowance, a perusal of their affidavits shows that they claim that each one of the three applicants should be paid a sum of Rs.15,66,000/- for the past maintenance but however, the break up had not been given. Their expectations are quite high.



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14.The learned counsel further stated that the water charges and tax will have to be borne only by the Trust and the applicants cannot be mulcted with that particular responsibility. With respect to the condition under which the applicants would vacate the premises, the learned counsel stated that the applicants will vacate along with the three tenants against whom eviction order has been obtained on or before 20.10.2025.

15.I am confident that this particular statement made by the learned counsel for the applicants, on instructions given by the applicants would not be withdrawn later. This statement has been made across the bar. This statement is now recorded by this Court.

16.The learned counsel for the respondent stated that the Chairman of the Trust had come out with a suggestion that the Trust would demolish the building and reconstruct the building, but would allot sufficient and comfortable area of space for the first applicant to live. It is contended that the second and third applicants are not residing in the said property, but they are taking advantage of



the advanced age of the first applicant/their mother, who is now aged 82 years

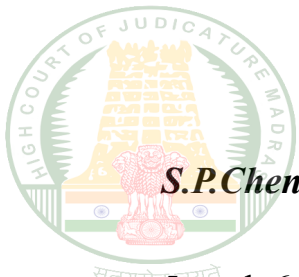
and have practically abandoned her and made her to reside in the dilapidated

building and that if they vacate, a comfortable residence will be built by the

respondents for her.

17. With respect to the tenants, a contention is made that it is not just three tenants, but there are 17 tenants. It is contended that this fact is to the knowledge of the applicants who are the defendants in the suit instituted as against the applicants and also the defendants, which had been transferred to the City Civil Court and renumbered as O.S.No.420 of 2020 which was initially C.S.No.687/2008. The cause title of that suit shows that quite apart from the applicants herein, there are totally 17 defendants and it is contended that all the other defendants are tenants and that the applicants know that there are more than three tenants and that the said fact had been deliberately suppressed before this Court.

18. In this connection, I would refer to the judgment of the Hon'ble Supreme Court reported in *AIR 1994 SC 853 : 1994 (1) SCC 1*,



S.P.Chengalvaraya Naidu Vs. Jagannath. The Hon'ble Supreme Court in para

5 and 6 had stated that one instance of fraud is deliberate suppression of material facts. Even in the arguments advanced, the learned counsel for the applicants had stated that there are only three tenants, whereas on the side of the respondent, it is contended that there are 17 tenants. A perusal of the cause title in O.S.No.4210 of 2020 shows that there are not just three tenants, but several other tenants and there are totally 17 tenants and they are not descendants of P.T.Madurai Naicker. Most certainly, Oskar Jain cannot and will never be and could never be considered as a descendant of P.T.Madurai Naicker, to quote one defendant. It is thus clear that the applicants have not come to the Court with clean hands.

19.The applicants demand that they must be paid subsistence allowances in accordance with the wishes of the testator of the Will dated 04.10.1870. The testator would have fervently hoped and prayed and believed that the male descendants or other descendants of his younger brother would uphold the values which he upheld during his life time. The second applicant is a Sub



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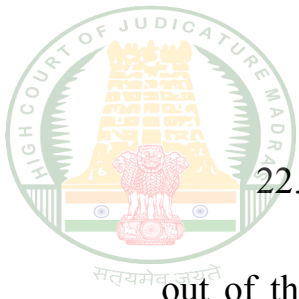
Inspector of Police. He is profitably employed. He could have very well given up the claim for subsistence allowance and could have come forward voluntarily to vacate the premises and permit the respondent to demolish and reconstruct the same. The rental income is not required for his living. I am confident that the Government takes care of every Sub Inspector of Police by providing adequate salary for them. His conduct is all the more deplorable owing to the allegations raised that he and his younger brother/third applicant have practically deserted and abandoned their mother, who is aged about 82 years and she is living alone in the house. This conduct is holding the respondents to blackmail and ransom. This act cannot be tolerated by this Court. Anybody who comes to the Court should come with clean hands and disclose all material facts. The second applicant has not stated that he is working as a Sub Inspector of Police. He has not stated that he is not residing in the suit property. These are all facts which are exclusive to the knowledge of the applicants. They have been suppressed. Once false pleadings are stated, the Court will not and cannot come to the rescue of the applicants.



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20.The further aspect is with respect to the payment of water tax. It should not be the burden of the respondents. It is the applicants who had invited the tenants with open hands and had inducted them as tenants only to make profits. There is a remark in O.S.No.4210 of 2020 by the learned Judge who pronounced the Judgment by stating that there is no bar in the Will that property cannot be let out on tenancy and therefore, it could be assumed that there is an implied right to let the property on tenancy.

21.This statement would not come to the advantage of the applicants herein as it is only a passing remark and certainly not binding on the parties. The interpretation of the documents and the Judgment in that suit is now pending in appeal before the Court. The fact however remains that in that particular suit that it had been pleaded that there are not just three tenants but several other tenants who had been shown as defendants. The applicants were also defendants in the suit. They had not raised a protest that the plaintiffs therein had included strangers as defendants in the suit. Therefore, the claim that there are only three tenants is false to the knowledge of the applicants.



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22.Once the applicants have let out the property on tenancy to make profit out of the property and if there is enhancement of tax by the authorities, the applicants will have to bear the same. I am not prepared to shift the burden on the respondents.

23.It is also stated that several other individuals claiming to be the legal descendants have also filed applications seeking monthly maintenance to be paid to them. A learned Single Judge had directed the Board of Trustees of the respondent Trust to determine whether they are eligible to be paid monthly maintenance and also to determine the quantum of monthly maintenance. It is to be noted that the monthly maintenance of Rs.35/- by the original Testator has now been increased to Rs.7,000/- by the Board.

24.In view of these reasons:

(i) A.No.1282 of 2025 is dismissed directing the respondents to take a decision about the payment of monthly maintenance and quantum therein. It is not for this Court to determine the monthly maintenance or give any direction. The Board may take an independent decision on this aspect. They may also take a decision to refuse to pay the monthly maintenance owing to the fact that

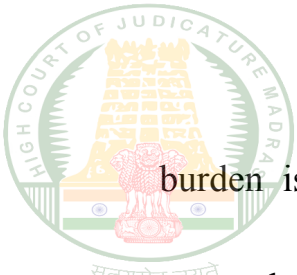


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the applicants have been in possession of 9175 sq.ft, land and building and by any calculation, the notional rent which they would have gained would be much more than what the respondent come forward to pay.

(ii) A.No.1283 of 2025 is also dismissed placing an obligation on the applicants herein to first vacate the premises on or before 20.10.2025 as undertaken in the Court by the learned counsel and thereafter, if they vacate, the respondent may take a decision about demolition and reconstruction. But, as on date, since the first applicant is an aged lady of 82 years, a direction cannot be issued to demolish the building. The applicants should have first vacated the premises and thereafter should have come to this Court.

(iii) A.No.1284 of 2025 stands dismissed. There is no obligation on the respondent to pay tax, property tax, water tax, water charges or any other charge or fee payable to the statutory authorities. The applicants have invited the tenants to occupy the place and owing to the occupation by the tenants, the value of the building had been assessed to property tax at a higher rate. The



burden is entirely on the applicants and no direction can be issued to the respondents to pay the taxes or any other charges.

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25.In effect all these applications are dismissed.

26.A copy of this order to be forwarded to the Director General of Police, State of Tamil Nadu, to examine the conduct of the second applicant, L.K.Hemanth Rajkumar, working as Sub Inspector of Police, who has been squatting on the property and had filed these application deliberately suppressing material facts before this Court with intention to mislead this Court to pass orders to the detriment of the respondent Trust. Necessary action in this regard may be initiated.

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20-08-2025

To

1.P.T.Lee Chengalvaraya Naicker Trust
No.2-3, EVK Sampath Salai, Vepery,
Chennai 600 007.



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A No.1282 of 2



C.V.KARTHIKEYAN J.
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of 2025
in C.S.No.242 of 1986**

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