



C.R.P.No.1809 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.1809 of 2025

1.M/s.R.Thiruvengadsamy Gunasundari Educational
and Charitable Trust represented by its
Founder Trustee T.Gunasundari
Chetpet, Thiruvannamalai District.

2.I.Mahalakshmi (Trustee)

3.G.M.Iyappa Kumar (Trustee)

... Petitioners

Vs.

Nil

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order, dated 26.03.2025 made in Trust O.P.No.108 of 2023 on the file of the Principal District Court at Villupuram.

For Petitioners : Mr.A.Praveen
for Mr.A.E.Sivaprakasam



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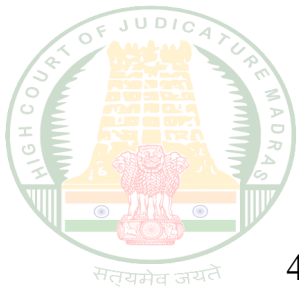
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ORDER

Aggrieved over the order of the Principal District Judge, Villupuram, dated 26.03.2025, in O.P.No.108 of 2023, dismissing the application filed by the petitioner Trust under Section 7 of the Charitable and Religious Trusts Act, 1920 r/w. Section 34 of the Indian Trusts Act, 1882, the present revision has been filed.

2.The petitioner, being a Charitable Trust, has filed the present Original Petition seeking to sell the petition mentioned properties for better investment and construction of a School. However, the said application has been dismissed by the trial Court on the ground that the request was not on *bona fide* reasons and that the Managing Trustee of the Trust has not been examined though the petition was filed by the Managing Trustee.

3.I have perused the entire materials available on record.

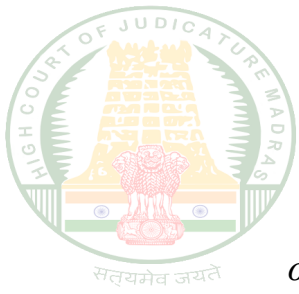


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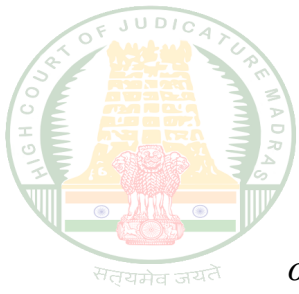
4. Paper publication has been effected on 13.06.2025, however, none appeared. The Trust Deed, when carefully perused, provides power to the Trustees for sale of the property of the Trust. The main object of the Trust is to establish educational and cultural institutions, colleges, schools, libraries, etc. The evidence on record also clearly shows that the properties sought to be sold are vacant lands and they remain uncultivated. Therefore, only in order to augment the income of the Trust and to develop further infrastructure, permission is sought for construction of a School. Further, it is not always necessary that a suit under Section 92 CPC has to be filed for the administration and management of the Trust properties, and an application under Section 34 of the Indian Trusts Act, is also maintainable. In this regard, it is useful to refer the judgment of the Constitution Bench of Supreme Court of India in ***Chairman Madappa Vs. M.N.Mahanthadevaru and others*** reported in ***AIR 1966 SC 878***, wherein in Para No.10, it has been held as follows :

“10. We are however of opinion that prayer for such a relief though permissible in a suit under S. 92 does not in any way circumscribe or take away from trustees or managers of public trusts the right of ordinary administration of trust property which would include letting, selling, mortgaging



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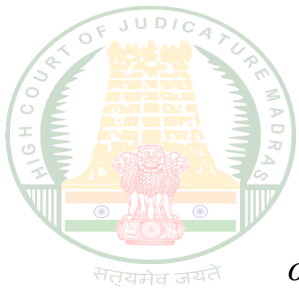
or exchanging such property for the benefit of the trust. We cannot infer from the presence of such a relief being provided in a suit under s. 92(1) that the right of trustees or managers of the trust to carry on the ordinary administration of trust-property is in any way affected thereby. If this were so, it would make administration of trust-property by trustees or managers next to impossible. This will be clear from a few examples which we may give. Suppose there is a lot of odds-and ends accumulated and the trustees or managers of a public trust want to dispose of those odds and ends if they are of no use to the trust. If the interpretation suggested on behalf of the -appellant is accepted, the trustees or managers could not sell even -such odds and end's without filing a suit for authorising them to sell such movable property. Obviously this could not have been -the intention behind cl. (f) in S. 92(1). Take another case where -the public trust has a good deal of land and arranges to cultivate 'it itself and gets crops every half year. If the produce is not all required for the trust and has to be sold, the presence of cl. (f) in s. 92 (1) does not require that every half year a suit should be filed by trustees or managers with the permission of the Advocate General to sell such crop. The absurdity of the argument on behalf of the appellant based on cl. (f) of S. 92(1) is therefore obvious and that clause does not in our opinion have the effect of circumscribing the powers of trustees or managers to carry on



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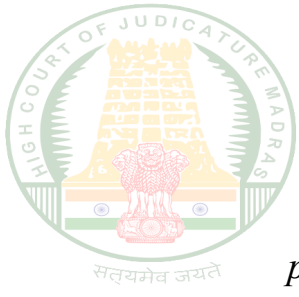
ordinary administration of trust property and to deal with it in such manner as they think best for the benefit of the trust and if necessary even to let, sell, mortgage or exchange it. It seems that cl. (f) was put in inter alia to give power to court to permit lease, sale, mortgage or exchange of property where, for example there may be a prohibition in this regard in the trust deed relating to a Public trust. There may be other situations where it may be necessary to alienate trust property which might require court's sanction and that is why there is such a provision in cl. (f) in s. 92(1). But that clause in our opinion was not meant to limit in any way' the Power of trustees or managers to manage the trustproperty to the. best advantage of the trust and in its interest, and if necessary, even to let, sell, mortgage or exchange such property. Further if cl. (f) cannot be read to limit the powers of trustees or managers to manage the trust-property in the interest of the trust and to deal with it in such manner as would be to the best advantage of the trust, there can be no bar -to a provision being made in a scheme for directions by the court in that behalf. If anything, such a provision would be in the interest of ;he trust, for the court would not give directions to let, sell, mortgage or exchange the trust property or any part thereof unless it was clearly in the interest of the trust. Such a, direction can certainly be sought by the trustees or managers or even by one manager out of two if they cannot agree, and there is nothing in cl.(f) in our



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opinion which militates against the provision in the scheme for obtaining such direction. We may add that we say nothing about obtaining of such directions by persons other than managers or trustees, for this is not a case where the direction was sought by a person other than a comanager. Whether such a direction can be sought by persons other than trustees or managers or one of two managers as provided in paras (11) and (12) of the scheme is a matter which does not arise for consideration in the present case and we express no opinion thereon. We are dealing with a case where the prayer is made by one trustee and the order passed thereon relates to matters which are incidental to acts of management of the trust-property and we have no doubt that cl. (f) in s. 92(1) cannot be read in such a way as to hamper the ordinary administration of trust-properties by trustees or managers thereof; and if that is so, there can be no invalidity in a provision in the scheme which directs the trustees or managers or, even one out of two co- managers when they cannot agree to obtain directions of the court with respect to the disposal or alienation of the property belonging to the trust. We are therefore of opinion that cl. (f) does not apply to the circumstances of this case and no suit under s. 92 was necessary in consequence. The Additional District Judge had jurisdiction to give directions which he did under paras (11) and (12) of the scheme, as these directions are of the nature of ordinary administration of trust-



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property and do not fall within cl. (f) in s. 92(1) of the Code of Civil Procedure.”

5. Therefore, this Court is of the view that the petitioner Trust can be permitted to sell the petition mentioned properties for construction of School. Accordingly, this Civil Revision Petition is allowed and the impugned order of the trial Court is set aside. The petitioner Trust is permitted to sell the petition mentioned properties, of course, as per the terms of the Trust Deed, and once the properties are sold, the sale deed(s) shall be filed before the trial Court. Further, the accounts with regard to construction of School shall also be filed before the trial Court. No costs.

30.06.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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1.The Principal District Judge,
Villupuram.

2.The Section Officer,
VR Section,
High Court, Madras.

N. SATHISH KUMAR, J.



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