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C.S.No.186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CS No. 186 of 2025

1.Aditanar Educational Institution
Rep by its Member Mr.D.Rakkappan,
S/o.Mr.K.R.Duraisamy,
Office at No.86, E.V.K.Sampath Road,
Chennai-60007.

2. Mr.J.P.Vijayaraj
Member
S/o. Mr.Janakiram Perazhagu,
Office at No.86, E.V.K.Sampath Road,
Chennai – 600 007.

...Plaintiffs

Vs

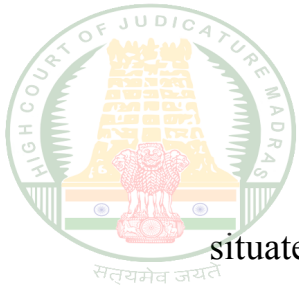
NIL

...Defendant(s)

Prayer : The Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 and Section 92(1)(f) of Civil Procedure Code, 1908 praying to pass a Judgment and Decree:-

(a) to permit the trustees to sell the land in Old Survey No.10 and New Survey Nos.56/9, 56/20, 56/21, 56/22, 56/23, 56/24 and 56/25 in all measuring an extent of 8220 Sq.mt which is equivalent to 88478 Sq.ft.

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situate at Nasarathpettai Village, Poonamalle Taluk, Thiruvallur District morefully described in the schedule hereunder to any purchaser who may offer to purchase for the market price and

(b) to further permit the Plaintiffs to invest the sale proceeds in any nationalized Bank and to utilise the same towards maintaining the Plaintiffs Trust.

For Plaintiff(s):

M/s.D.Revathi Karthik

For Defendant(s):

JUDGMENT

This Suit has been filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 and Section 92(1)(f) of the Civil Procedure Code, 1908, to permit the Plaintiff Trust to sell the Suit property to any purchaser who offers to purchase it for the market price and to permit the Plaintiffs to invest the Sale Proceeds in any Nationalized Bank and to utilise the same towards maintaining the Plaintiff Trust.



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2. The brief averments of the plaint are as follows:

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(a) The 1st Plaintiff is a Public Charitable Trust, carrying out its object under the Memorandum of Association as amended from time to time. As per the bye-laws, the Chairman of the Plaintiff Trust is vested with power under Rule 14(6) to deal with the movable and immovable properties of the Trust. The Chairman of the Plaintiff Trust, along with the other members, has been delegated and authorized to represent the Plaintiff Trust in the subject matter of the Suit.

(b) The Suit property situated at Nasarathpettai Village, Poonamalle Taluk, Thiruvallur District, originally belonged to the Plaintiffs' Public Charitable Trust and the same was purchased through a Sale Deed dated 03.09.2010. The said property has not been put to use by the Public Charitable Trust till date and the property remains dormant without any generation of profit or revenue as on date. The Plaintiff Trust is in need of funds to make it viable for the beneficial interest of the educational institutions. Therefore, on 15.11.2024, in a meeting, a resolution was passed to sell the Suit property for a valuable consideration in accordance with the



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prevailing market value. Hence, as per amended Rule 14(16) of the bye-law of the Public Charitable Trust, the Chairman of the Trust is vested with the powers to sell the immovable property. Therefore, the Plaintiffs have filed this Suit.

3. After filing of the Suit, the paper publication was effected and objection was not received from anybody. Thereafter, the matter has been posted for recording evidence and the evidence also was recorded.

4. On the side of the Plaintiffs, they examined one Mr.D.Rakkappan as P.W.1 and marked nine exhibits as Exs.P1 to P9.

5. As stated above, nine documents were marked on the side of the Plaintiffs. Ex.P1 is the photocopy of the Memorandum of Association and Rules and Regulation – 1962 dated 11.08.1999. Ex.P2 is the photocopy of the Memorandum of Association and Rules and Regulation – 1999 dated 01.12.1962. Ex.P3 is the photocopy of the Amended Rules and Regulations of Society dated 04.12.2024. Ex.P4 is the photocopy of the certificate of



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Registration of Societies dated 15.02.1963. Ex.P5 is the photocopy of the sale deed registered as Doc.No.1814/2010 dated 03.09.2010. Ex.P6 is the photocopy of the Grama Natham Patta No.863 issued on 11.03.2024. Ex.P7 is the original Resolution of Society dated 15.11.2024 to sell the property. Ex.P8 is the original Resolution of Society dated 02.05.2025 to authorize the P.W.1 to represent the Plaintiff(s) for filing this Suit. Ex.P9 is the photocopy of the order passed in CS 351/2019 dated 08.08.2019.

6. On a careful perusal of evidence of P.W.1 and Exs.P1 to P9, they revealed that the property belongs to the Plaintiff Trust and the Plaintiff Trust is in need of money to maintain the Trust. The Plaintiff Trust is conducting educational institutions and now the Plaintiff Trust wants to sell the property for the benefit of the Trust. To that effect, the Plaintiff Trust has also passed a resolution. The Plaintiffs have also produced the online guideline value report. As per the records, the online guideline value of the property is Rs.1320/- per Square Feet and Rs.14210/- per Square Metre as on 01.07.2024. Therefore, the Plaintiff Trust is permitted to sell the property to a proposed purchaser for not less than the guideline value of the property.



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The guideline value of the property is Rs.1320/- per Square Feet. The total extent of the property is 88478 Sq.ft.

$$88478 \text{ Sq.ft} \times \text{Rs.}1320/- = \text{Rs.}11,67,90,960/-$$

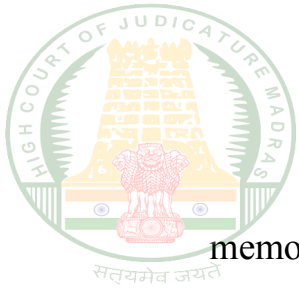
Therefore the value of the property comes to Rs.11,67,90,960/-.

The Plaintiff Trust is permitted to sell the property for not less than Rs.12,00,00,000/- (Rupees Twelve Crores only). Hence, this Court is satisfied with the evidence of Plaintiff Trust and inclined to permit the Plaintiff Trust to sell the property.

7. Accordingly the suit is decreed, the Plaintiff Trust is permitted to sell the property subject to the following conditions:

(a). The Plaintiffs shall look out for the prospective purchaser and sell the property for an amount not less than Rs.12,00,00,000/- (Rupees Twelve Crores only).

(b). After completion of sale, the Sale Proceeds have to be deposited in a Nationalized Bank and the Plaintiff Trust is at liberty to withdraw the interest once in three months for the expenses of the Trust. To that effect, a



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memo of calculation will be filed before this Court within sixty (60) days
from the date of registration of the Sale Deed.

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Neutral Citation: Yes/No



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P.DHANABAL,J.

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