



A NO. 4295 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

A NO. 4295 of 2022

AND

A NO. 1942 OF 2023, A NO. 4013 OF 2023, A NO. 4467 OF 2022

A.No.4295/2022

Rethna Sweecharan
S/o.Edwin Thomas, Authorised Signatory, Sai Easwar
Baba Trading Pvt Limited, New No.3, Old No.23,
Veera Samy, Royapuram, Chennai 600 013.

Applicant(s)

Vs

The Official Trustee of Tamil Nadu
City Civil Court Annexe Building, High Court,
Chennai 600 104.

Respondent(s)

A NO. 1942 of 2023

S.Sathya Prakash
S/o.E.R.Sundaram, H1, Alsa Crescent Alsa Garden,
No.72, Harrington Road, Chetpet, Chennai 600 031.

Applicant(s)

Vs

The Official Trustee of Tamil Nadu
City Civil Court Annex Building, High Court, Chennai
600 104.

Respondent(s)



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A NO. 4013 of 2023

D.Sathyamurthy
S/o.Devaraj, No.102, Main Road, Kavarapalayam,
Ambattur, Thiruvallur District, 600 054.

Applicant(s)

Vs

The Official Trustee of Tamil Nadu
City Civil Court Annex Building, High Court, Chennai
600 104.

Respondent(s)

A NO. 4467 of 2022

M/s. Sre Sai Msand
Rep.by its Partner S.Muruganandam, No.3,
Subramaniapuram Road, No.2, R.S.Puram, Coimbatore
641 002.

Applicant(s)

Vs

The Official Trustee of Tamil Nadu
City Civil Court Annex Building, High Court, Chennai
600 104.

Respondent(s)

A NO. 4295 of 2022

For Applicant(s):

M/s.Pavithra for M/s.Avinash Wadhwani
Sai Gautham

For Respondent(s): Mr.N.Ramanathan

The Official Trustee Of Tamil Nadu

A NO. 1942 of 2023

For Applicant(s):



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M/s.A.Ilayaperumal
M.Pachiyappan-ms/3148/2013
R.Rajeshkrishnan
K.Thamizharasan
S.H.Kesava Perumal Rao

For Respondent(s): Mr.N.Ramanathan
The Official Trustee Of Tamil Nadu

A NO. 4013 of 2023

For Applicant(s):

M/s.A.Ilayaperumal
Mr.E.Ravi
M.Pachiyappan-ms/3148/2013
R.Rajeshkrishnan
K.Thamizharasan
S.H.Kesava Perumal Rao

For Respondent(s): Mr.N.Ramanathan
The Official Trustee Of Tamil Nadu

A NO. 4467 of 2022

For Applicant(s):

M/s.A.Ilayaperumal
Mr.E.Ravi
M/s. E. Sathiyaraj
M.Pachiyappan-ms/3148/2013
R.Rajeshkrishnan
K.Thamizharasan
S.H.Kesava Perumal Rao

For Respondent(s): Mr.N.Ramanathan
The Official Trustee Of Tamil Nadu



COMMON ORDER

All the above applications are filed by individuals/third parties seeking direction to the Official Trustee to sell the property as per the directions of this Court in A.No.2453/1995 in OP.No.278/1948 dated 15.06.1995 by considering the representations of the individual applicants.

2.A detailed Memo/Common Report dated 22.08.2024 has been filed by the learned AG&OT.

3.Heard the learned counsels appearing for the applicants and the learned AG&OT.

4.The properties which are the subject matter of these applications belongs to the Trust estate of Sri.Kandasamy Naidu. The Trust estate of Sri.Kandasamy Naidu is vested with the learned AG&OT as per the last Will of the testator dated 21.05.1948 and as per the Letters of Administration of this Court in OP.No.278/1948.



5. It is not in dispute that several properties including an extent of 390 grounds of vacant lands in Medavakkam near Purasaivakkam belongs to Sri.Kandasamy Naidu Charity which is now under the administration of learned AG&OT. An extent of 103 grounds was earlier the subject matter of acquisition for implement Housing Board project during 1985. Though the writ petition filed by learned AG&OT challenging acquisition was allowed, an appeal filed by the Department was allowed and a further appeal filed before the Hon'ble Supreme Court was partly allowed by permitting learned AG&OT to approach the Tamil Nadu Housing Board for compensation and other remedies. Subsequently, learned AG&OT filed WP.Nos.16632 and 16633/2016 to quash the acquisition proceedings, since it had lapsed by virtue of Section 24[2] of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Though appeals are filed by the Housing Board in WA.Nos.1251 and 1252/2023, the appeals are yet to be disposed of. The remaining extent of about 287



Grounds, approximately measuring 15.79 Acres of land belongs to Sri.Kandasamy Naidu Trust is available on ground.

6.An application was originally filed by the then learned AG&OT in A.No.2453/1995 seeking permission from this Court to sell the lands. Leading Educational Institutions and commercial Organizations filed applications for sale of properties to them. Even though several petitions were filed by private persons for issuing directions to learned AG&OT to sell the property to them, the applications filed by some of such persons were dismissed and several special leave applications filed before Hon'ble Supreme Court were also dismissed.

7.It was thereafter, the Division Bench dismissed all the applications filed by the third parties seeking directions for sale of property by learned AG&OT.

8.This Court, vide order dated 23.04.2008, issued directions preventing learned AG&OT from selling the lands of the Trust estate. Even the learned AG&OT made an effort to join hands with Government to float the Non-



Profit making Company and to utilise the lands. Nothing materialised.

Learned AG&OT has also indicated that the Trust estate of Sri.Kandasamy

Naidu is having sufficient funds and the performance of the Trust is

completely satisfactory as of now and the Trust has no other liability

warranting disposal of the sale of its properties.

9.In A.No.2453/1995 in OP.No.278/1948, the Division Bench of this Court

has passed the following order:-

- 1. The AGOT shall not sell any part of the lands, viz., 103 grounds 0796 sq.ft., [the subject matter of the writ petition] and 287 grounds 2208 sq.ft. [the subject matter of the application] to any third parties for whatsoever purpose ;*
- 2. Every piece and part of the land, viz., 103 grounds 0796 sq.ft.[the subject matter of the writ petition] and 287 grounds 2208 sq.ft [the subject matter of the application] which vests with the AGOT as on date, shall be utilised only for achieving the object of the Trust, viz., education, including Information Technology Training for the poor and downtrodden, providing Health Care Services ; and for*



other Charitable purposes ;

3. *The AGOT is directed to draft a memorandum of understanding and to initiate such other steps for floating of a non-profit making company.*

10. In view of the specific direction given by this Court in the order referred to above, the property cannot be sold to any private individual as requested.

This Court has already directed the learned AG&OT to take adequate protections and protective measures to fence covering the entire property of Trust estate by order dated 08.08.2024. Since it is stated that the work is in progress with reference to the whole of properties, this Court will also pass appropriate orders after getting a report from the learned AG&OT.

11. For the present, learned AG&OT is directed to find out the possibility of getting access through the Main Road by negotiating with the Commissioner, Greater Chennai Corporation.

12. Therefore, with a direction to learned AG&OT to proceed further and come forward with a plan of action to augment income by exploiting the



commercial importance of the locality, these applications are **dismissed**.

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A NO. 4295 of 2022

To
1. The Official Trustee of Tamil Nadu
City Civil Court Annexe Building, High Court, Chennai 600
104.

A NO. 1942 of 2023

1. The Official Trustee of Tamil Nadu
City Civil Court Annex Building, High Court, Chennai 600
104.

A NO. 4013 of 2023

1. The Official Trustee of Tamil Nadu
City Civil Court Annex Building, High Court, Chennai 600
104.

A NO. 4467 of 2022

1. The Official Trustee of Tamil Nadu
City Civil Court Annex Building, High Court, Chennai 600
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S.S.SUNDAR, J.,

AP

A.Nos.4295, 4467/2022 :
A.Nos.1942 & 4013/2023

24.01.2025