



WEB COPY

CS No. 216 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CS No. 216 of 2025

1. Thondai Mandala Saandror Dharma
Paribalana Sabai
Represented by its Founder Trustee,
Mr.G.B.Pachiyappan, Door No.21/1,
C.P.Koil Street, Kutcheri Road,
Mylapore, Chennai 600 004.

2.K.Velu
S/o Mr.M.Kadhirvel, Trustee, Thondai
Mandala Dharma Paribalana Sabai,
No.216 D Block, Nattan Thottam,
Mylapore, Chennai 600 004.

Plaintiff(s)

PRAYER

Suit filed under Order IV Rule 1 of the High Court Original Side Rules
Read with Order VII Rule 1 of CPC and Section 92 of CPC to grant
permission to the plaintiffs to develop the Trust Property, by entering into a
Joint Development Agreement with M/s. Origin Homes having office at
No.457/1, New No.726/61, First Floor, Annasalai, Nandanam, Chennai – 600
035 with respect to the property measuring an extent of 3530 sq.ft., of land,
bearing old Door No.236, New Door No.80, Block No.67, Survey No.T.S.3358,



R.K.Mutt Road, Mylapore, Chennai – 600 004, agreeing to share the constructed area in 50:50 ratio as contained in the terms of the Joint Development Agreement entered into between them, thereby permitting the 1st plaintiff Trust to execute a sale deed with respect to the one half undivided share of the abovesaid land in favour of the Developer.

For Plaintiff(s): Mr.K.Selvakumar @ K.S.Kumar

ORDER

This suit has been filed by the plaintiff-Trust to grant permission to develop the Trust property by entering into the Joint Development Agreement with M/s Origin Homes, having office at No.457/1, New No.726/61, First Floor, Annasalai, Nandanam, Chennai – 600 035 agreeing to share the constructed area in 50:50 ratio, as contained in the terms of Joint Development Agreement entered between them and thereby permitting the 1st plaintiff-Trust to execute a sale deed with respect to the one half undivided share in favour of the Developer.

2. According to the plaintiff, the 1st plaintiff-Trust was established under the Trust Deed dated 07.08.2023 and registered and enjoying exemptions



WEB COPY

under Section 80-G of the Income Tax Act. One G.B.Pachaiyappan is the founder of the 1st plaintiff-Trust and the object and purposes of the Trust are inter alia to establish specific endowments and memorials for public charitable purposes, to construct old age homes, orphanages for children and destitute women and to organise and deliver lectures for upliftment of the downtrodden people through the Trust and for other purposes.

3. The 1st plaintiff-Trust has 12 Trustees including the Founder-Trustee, G.B.Pachaiyappan. The Trust, possessed a land and premises measuring 3530 Sq.Ft., at Old Door No.236, New Door No.80, Block No.67, Survey No.T.S.No.3358, R.K.Mutt Road, Mylapore, Chennai. The building situated in the Trust property is more than 100 years old and is in a dilapidated condition, which remains uninhabitable and unsafe to be retained. The Greater Chennai Corporation also granted permission to demolish old super structure through order dated 05.11.2024. The Trust does not own any other property and it does not have any income other than the rental income from the above said property, therefore, Trustees held a meeting on 15.10.2023 and resolved unanimously to take steps to augment some income for the Trust by



developing the property by putting up some construction by entering into a

Joint Development Agreement with some reputed builder. Accordingly, the

Trustees agreed that the Trust would enter into a Joint Development Agreement with M/s Origin Homes by mutually agreeing to the terms and conditions set out in the said agreement.

4. It was agreed to develop the property in 50:50 ratio, since no amounts can be contributed from the side of the Trust and also decided to construct a commercial building comprising of basement, ground floor, first floor and second floor. Further, it was resolved that portion handed over to the Trust would be let out to tenants and rental income derived therefrom would be utilized for carrying out the objectives of the Trust. After consulting with several builders, the Trustees decided to enter into a Joint Development Agreement with M/s Origin Homes, agreeing to share the construction in 50:50 ratio. Therefore, the plaintiffs approached this Court seeking permission to develop the trust lands by entering into Joint Development Agreement of 3530 Sq.Ft., land and premises agreeing to share the construction in 50:50 ratio. As per the said agreement, the Trust would be given 50% of basement



parking area front portion, ground floor full area, 50% in the first floor and 50% of the terrace portion. The developer would be entitled to 50% of the basement parking area back portion and 50% of the first floor, second floor full area and 50% of the terrace portion. Therefore, the plaintiffs have filed the present Suit.

5. In this Suit, there are no defendants. After filing the present Plaint, this Court, directed the plaintiffs to effect paper publication and the paper publication also effected and no objections have been raised by any party on the date of hearing. Thereafter, the matter has been referred for recording evidence. Accordingly, P.Ws.1 and 2 were examined and marked Exhibits P.1 to P.13 and also marked Exhibits C.1 and C.2.

6. As per the evidence of P.W.s1 and 2, the Trust has no income and to fulfill the objects of the Trust, the Trustees decided to enter into agreement with the builder for constructing building and to sell 50% of the property to the builder, therefore, filed the suit. Already, the plaintiffs entered into agreement with the builder and the builder was also examined as P.W.2 and Exhibits P.1



to P.13 and Exhibits C.1 and C.2 were marked. Therefore, from the evidence of P.W.1 and P.W.2 and the documents filed by plaintiffs, it is seen that the plaintiffs clearly established that the Trust has no fund to achieve the objects of the Trust and the sale of the property is only for the benefit of the Trust and therefore, the plaintiffs have established their case and this Court, taking into consideration the objects of the trust and the evidences adduced by the plaintiffs, is inclined to grant permission to the plaintiffs to develop the Trust Property.

7. Accordingly, the suit is decreed as prayed for and the plaintiffs are permitted to sell the said property of the Trust subject to the following conditions:-

(i) The plaintiffs are permitted to enter into Joint Development Agreement with M/s Origin Homes, having office at No.457/1, New No.726/61, First Floor, Anna Salai, Nandanam, Chennai – 600 035.

(ii) The plaintiffs are also permitted to sell the property of the constructed area in 50:50 ratio, as contained in the terms of Joint Development Agreement and after sale executed by the plaintiffs-Trust in



favour of the Developer, the registered sale deed has to be deposited before
this Court.

WEB COPY

(iii) The Memo of calculation to be filed before this Court within a period
of 60 days from the date of registration of Sale deed.

04-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ssd



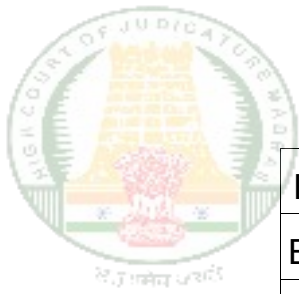
1)List of Witnesses Examined on the side of the Plaintiffs:-

1. P.W.1 – G.B.Pachaiyappan
2. P.W.2 – D.Dhinakaran

WEB COPY

2)List of Exhibits Marked on the side of the Plaintiffs:-

Exhibits	Date	Description
Ex.P.1	'07/08/2023	Certified copy of the Trust Deed dated 07.08.2023
Ex.P.2	13.10.2023	Certified copy of the amended Trust Deed
Ex.P.3	20.06.2025	Online copy of the Town Survey Extract from the Permanent Land Register related to Block 0067 Survey field 3358 extent an extent of 3 ares 28 Sq.mtr
Ex.P.4	'20.06.2025	Online copy of the TSLR Sketch related to Block 0067 Survey field 3358 extent an extent of 3 ares 28 Sq.mtr,
Ex.P.5	'03.06.2025	Online copy of the property tax receipt in the name of the Thondai mandala Saandror Dharma Paribalana Sabai
Ex.P.6	'05.11.2024	Original demolition permission issued by Greater Chennai Corporation along with Building plan approval fees receipt, demand advise, plan approval
Ex.P.7	'15.10.2023	Original resolution by the Board of Trustees
Ex.P.8		Downloaded photos through mobile of the existing building (3 nos)
Ex.P.9		Photocopy of the aadhar card of the founder trustee G.B.Pachaiyappan
Ex.P.10	'02.07.2025	Original Joint Venture agreement between plaintiff trust and M/s Origin Homes



WEB COPY

CS No. 216 of 2



Exhibits	Date	Description
Ex.P.11		Drafted proposed building plan
Ex.P.12		Photocopy of the aadhar card of the 2 nd plaintiff, K.Velu
Ex.C.1	17.09.2025	Paper publication of the English Edition "The New Indian Express"
Ex.C.2	17.09.2025	Paper publication of the Tamil Edition 'Thina Mani'

04.11.2025

To

The Sub Assistant Registrar,
O.S.Section,
High Court, Madras



WEB COPY

CS No. 216 of 2



P.DHANABAL J.

ssd

CS No. 216 of 2025

04-11-2025