

CRP.No.4416 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.09.2025
PRONOUNCED ON : 10.10.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

C.R.P. (NPD) No.4416 of 2025

and

C.M.P. No.22595 of 2025

T.S.Ayyappan
Shop No.3, Old No.30,
New No.59, Broadway,
Chennai 600 108

...Petitioner/Petitioner/
Judgment Debtor/Respondent Tenant

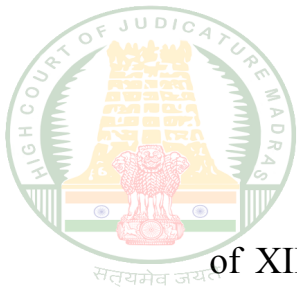
Vs.

M/s.Khadijabai Maternity Home,
A Charitable Trust registered under
Bombay Public Trusts Act,1950,
No.114/30, Broadway, Chennai 600 108.
Rep by its Authorized Signatory,
Mr.Mohamed Yusuf Madraswala
No.12/13, 2nd Floor, Perianna
Maistry Street, Parry's Corner,
George Town, Chennai 600 101.

...Respondent/Respondent/
Decree Holder/Petitioner Landlord

PRAYER in CRP.:

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.07.2025 and passed in E.A.No.1 of 2025 in E.P.No.665 of 2024 (pending on the file



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of XIII Court of Small Causes, Chennai) (hereinafter referred to as the “impugned order” for the sake of brevity) in R.L.T.O.P.No. 557 of 2023 (on the file of XIII Court of Small Causes, Chennai).

PRAYER in CMP.:

Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure, to stay all proceedings in E.P.No.665 of 2024 (pending on the file of XIII Court of Small Causes, Chennai), pending the final disposal of the captioned Revision Petition; and pass such further or other order/s as this Court may be deem fit and proper in light of the facts and circumstances of the case; and thus render justice.

APPEARANCE OF PARTIES:

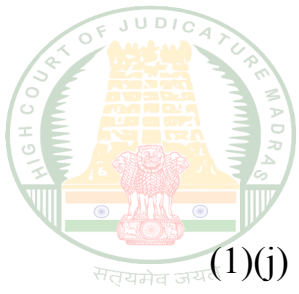
For Petitioner : Mr.R.Pravesh, Advocate.

For Respondent : Mr.T.Sai Krishnan, Advocate.

ORDER

Heard.

2.This Civil Revision Petition has been filed by the tenant under Article 227 of the Constitution of India, challenging the order dated 04.07.2025 in E.A. No. 1 of 2025 in E.P. No. 665 of 2024, arising out of R.L.T.O.P. No. 557 of 2023 on the file of the XIII Court of Small Causes, Chennai. The said E.A. was filed under Section 47 C.P.C. Read with 37



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(1)(j) of the Tamil Nadu Regulation of Rights and Responsibilities of Land Lord Tenants Act, 2017 (hereinafter referred as TNRRLT Act, 2017) questioning the executability of the eviction decree passed in the R.L.T.O.P.

3.For convenience, the parties are referred to as they were arrayed before the Rent Court.

4.The respondent-landlord, a charitable trust registered under the Bombay Public Trusts Act, 1950, had filed the said R.L.T.O.P. seeking eviction of the tenant from Shop No. 3, Old No. 30, New No. 59, Broadway, Chennai-108, on the ground of failure to execute a tenancy agreement. The eviction was ordered on 15.06.2024, and E.P. No. 665 of 2024 was thereafter initiated for delivery.

5. The tenant objected to the execution mainly on two grounds:

- (i) that the landlord-trust had not obtained prior permission from the Charity Commissioner under Sections 50 and 51 of the Bombay Public Trusts Act, rendering the decree a nullity; and
- (ii) that the property description in the execution schedule did not tally



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with the actual physical layout, making identification impossible for execution.

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6.The landlord contended that all procedures were duly followed, the trust deed had been filed and marked as *Ex. P-3* in the R.L.T.O.P., and that similar objections had already been dismissed earlier in E.A.S.R. No. 6135 of 2025, attracting the principle of *res judicata* under Section 11 C.P.C. It was further urged that the tenant, being a mere occupant, had no locus standi to challenge compliance with internal trust regulations at the execution stage.

7.Learned counsel for the petitioner contended that, since the trust is governed by the Bombay Public Trusts Act, 1950, and registered at Bombay, it was obligatory on the part of the trustees to obtain prior permission of the Charity Commissioner before initiating eviction against any tenant. In the absence of such sanction, the entire proceeding is void. The property in question, though at Chennai, continues to be governed by the Bombay Act as the trust is administered and registered at Bombay.



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8. Per contra, learned counsel for the respondent submitted that the eviction proceedings were instituted validly under the TNRRLT Act before the competent Rent Court at Chennai; the decree has attained finality; and the execution court rightly held that it cannot go behind the decree. It was further contended that the requirement of prior sanction under the Bombay Act does not extend to an action for eviction governed by the State tenancy law, particularly when the property is situated within Tamil Nadu.

9. Admittedly, the jural relationship of landlord and tenant stands established. The Bombay Public Trusts Act, 1950 was originally enacted for the composite Bombay Presidency before its bifurcation in 1960 into the States of Maharashtra and Gujarat. Both States subsequently adopted and continue to enforce that Act as their respective State law. Being a State legislation, it has no operation *de jure* outside Maharashtra and Gujarat. Consequently, it does not extend to the State of Tamil Nadu. The extraterritorial operation of a State enactment is limited to cases having a real and substantial nexus, and that the situs of the property determines the applicable local law.



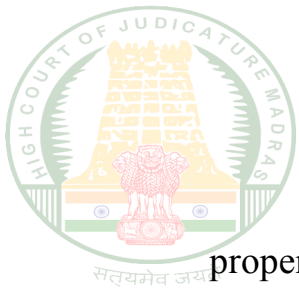
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10.The disputed immovable property being situated at Chennai, the field of tenancy and eviction is governed exclusively by the Transfer of Property Act, 1882 and the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. Property owners in Tamil Nadu, including charitable or religious institutions, are bound to follow the local tenancy enactments of this State.

11.Therefore, prior sanction of the Charity Commissioner under Sections 50 and 51 of the Bombay Public Trusts Act, 1950 is not a condition precedent for instituting eviction proceedings concerning a property located outside the territorial limits of Maharashtra and Gujarat. The supervisory and regulatory powers conferred on the Charity Commissioner under that Act are confined to trust properties *situate* within that State.

12.In *State of Bihar Vs. Charusila Dasi [(AIR 1959 SC 1002)]*, the Supreme Court held that a State law may validly operate upon property outside its territory only if there is a real and substantial nexus between such property and the enacting State. That decision upheld the Bihar Act's applicability to trusts administered in Bihar though owning

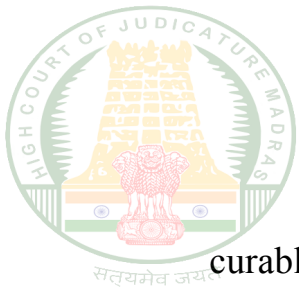


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property elsewhere, because the entire administration and control were within Bihar. The Court, however, did not lay down that the local laws of the situs State would stand excluded in such cases. The ratio only recognises that the extraterritorial effect of a State law is permissible to the extent of nexus, and no further.

13. The territorial nexus doctrine cannot justify the enforcement of a State statute in respect of matters wholly unconnected with that State. Hence, while the Bombay Charity Commissioner may possess supervisory powers over the trust's administration and accounts, however the regulation, tenancy, and eviction relating to immovable property situated in Tamil Nadu are subject to the jurisdiction of the Tamil Nadu authorities and governed by the TNRRLT Act.

14.As to the alleged discrepancy in the property schedule, the identity of the premises is not in dispute; the description containing the specific shop number is sufficient for execution. A decree passed by a competent court after contest cannot be defeated on the basis of any



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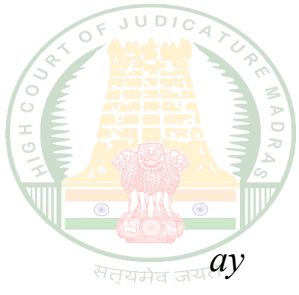
curable clerical or descriptive error.

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15.Once it is concluded that the Bombay Public Trusts Act, 1950 has no application to the immovable property situated at Chennai, the decisions of the Bombay and Gujarat High Courts relied upon by both sides become irrelevant, since the necessity for obtaining prior permission of the Charity Commissioner discussed therein pertained to properties located within the territorial limits of those respective States. Accordingly, those authorities are not taken into consideration for the present case.

16.In the result, this Court finds no error or illegality in the impugned order of the executing court. The order dated 04.07.2025 in E.A. No. 1 of 2025 in E.P. No. 665 of 2024 in R.L.T.O.P. No. 557 of 2023 is confirmed. The Civil Revision Petition is Dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

To

- 1.The XIII Judge, Small Causes Court, Chennai
2. The Section Officer, V.R.Records, Madras High Court.



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DR. A.D. MARIA CLETE, J

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PRE DELIVERY JUDGMENT
made in
CRP NPD. No. 4416 of 2025

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