



A.No.487 of 2025 in A.No.3211 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-02-2025**

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

A NO. 487 of 2025 in

A NO. 3211 OF 2022

Vishal S.Ved

residing at Flat No.1602, 16th Floor, K Block, KLP
Abhinandan Apartment, No.30, Perambur Barracks
Road, Pattalam, Chennai 600 012.

... Applicant

Vs

The Official Trustee of Tamil Nadu
High Court, Chennai 600 104.

.... Respondent

A NO. 3211 of 2022

Vishal S.Ved

residing at Flat No.1602, 16th Floor, K Block, KLP
Abhinandan Apartment, No.30, Perambur Barracks
Road, Pattalam, Chennai 600 012.

Applicant(s)

Vs

The Official Trustee of Tamil Nadu
High Court, Chennai 600 104.

Respondent(s)

A NO. 487 of 2025

For Applicant :

Mr.N.Baaskaran

For Respondent(s):

Mr.D.Lingeshwaran

Administrator General & Official Trustee
of Tamil Nadu



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ORDER

This petition is filed to modify the proposal dated 13.07.2022 permitting the applicant to enter into lease agreements with the tenants for the seven (7) shops at Door No.64, Perumal Mudali Street, Kothavalchavadi, Sowcarpet, Chennai 600 001.

2. The facts are not in dispute. The property bearing No.151-A, Mint Street, Sowcarpet, Chennai -600 079 is a Trust property vested with the learned AG&OT. Since the building was more than 130 years old and was in a highly dilapidated condition, originally the applicant, his father and his uncle filed an application praying to permit them for demolition and reconstruction of the property.

3. Thereafter, another application was filed in A.No.4174 of 2012 praying for directions to the tenants to vacate their respective portions under their occupation to facilitate demolition and reconstruction. After the demise of his father and uncle, the applicant himself filed A.No.283 of 2021 praying to permit



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him to effect demolition and reconstruction of the building in the property and thereafter, apportionment of the rental income derived from lease of the portions in the property in the reconstructed building in a fair and equitable manner.

4. Another application in A.No.3211 of 2022 was filed to consider certain proposals regarding the development of the property. This Court passed a detailed order on 22.02.2023 in the following lines:

“ 3. In view of the submission made by the parties, this application is ordered as prayed for. The parties have agreed for the terms and conditions as per the proposal dated 13.07.2022. The learned AG&OT is expected to make an application for planning permission before the authority concerned, who shall process and sanction the plan within a period of one month from the date of making such application. On getting proper sanction, the applicant is expected to complete the construction without any deviation/violation within a period of 15 months from the date of sanction of the plan. It is reiterated that the construction should be in accordance with the plan that will be sanctioned.”

5. Learned AG&OT is not disputing the agreement entered into between



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them. It is also not in dispute that the applicant himself has agreed to certain proposals, wherein he has undertaken for construction of a new building at his own cost. Though the right of the residence in the property is reserved to the applicant and Mrs.Bina Subash to do pooja and seva to the deity, by putting up two residential units in the first floor, the parties have mutually agreed that the lease deeds in respect of the shop portions shall be executed by the learned AG&OT specifying that 50% of the lease amount be deposited in a designated bank account in the name of AG and OT.

6. It is to be noted that the Hon'ble Supreme Court has reiterated certain principles while dealing with the properties belonging to religious institutions or Public Charitable Trusts. The doctrine of Public Trust reiterated by the Hon'ble Supreme Court in several cases envisages certain guidelines to be followed by the administrators of Public Trusts to get maximum market rent for the property whenever a decision is taken to sell or to lease out such a property.

7. In this case, this Court is confident that the Trust will get more income only if the property is put to public auction in a fair and transparent manner.



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Even though the applicant has agreed to put up 9 shops, the total number of shops that has now been put up is only 7. Though the property has now been constructed with certain deviations from the original agreement, learned AG&OT does not complain that there is reduction of extent. This Court, for the present, is not inclined to go into the wisdom of the applicant in restricting the number of shops constructed and to be leased out as he has invested huge amount.

8. Since the construction has been completed in accordance with the building Rules, the applicant shall be held liable in case of any problem with the Development authorities or enforcement authorities in case of violation of the Rules, who are entitled to take action for such violations in accordance with the respective Statutes. For the present, there is no necessity for granting modification of the proposal dated 13.07.2022. Therefore, the application stands dismissed.

9. However, the learned AG&OT is directed to go for public auction without delay and before fixing the auction, the terms and conditions of lease



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should protect the interest of the Trust in all exigencies. There shall be wide publication through all modes. The applicant has given an undertaking that he will cooperate with the learned AG&OT in identifying prospective lessees. The minimum upset price, if any, required to be fixed will be after fair assessment of the market value by engaging a private valuer by the learned AG & OT.

10. In result, the application stands dismissed with the above directions.

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S.S.SUNDAR, J.

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06.02.2025