

C.R.P(MD).Nos.1568 of 2025 and 2055 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2055 of 2024 and 1568 of 2025
and C.M.P(MD).No.11647 of 2024 and 8097 of 2025

C.RP(MD).No.2055 of 2024

Sivasankaran (died)

1.Lakshmi

2.R.Nedunchezian

3.R.Raja Rathinam

4.R.Rajamanickam

5.R.Kannan

6.R.Balamurugan

7.R.Srinivasan

...Petitioners

(cause-title is accepted vide court order dated 30.07.2024 made in

C.M.P(MD).No.9947 of 2024 in CRP(MD).No.SR.32225 of 2024)

Vs.

1.Chockalinga Pandithar Dharma Trust

rep., by its Trustee K.Mani

2.K.Mani

3.Mohan

4.K.Lakshmanan

... Respondents



C.R.P(MD).Nos.1568 of 2025 and 2055 of 2024

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the order dated 09.03.2015 passed in I.A.No.661 of 2014 in O.S.No.562 of 1986 on the file of the I Additional Sub Judge, Madurai.

For Petitioners : Mr.N.Murugesan

For Respondent : Mr.S.Manohar (for R1 to R3)
Mr.L.Shaji Chellam (for R4)

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1.Lakshmi

2.R.Nedunchezian

3.R.Raja Rathinam

4.R.Rajamanickam

5.R.Kannan

6.R.Balamurugan

7.R.Srinivasan

...Petitioners

Vs.

1.K.Mani

2.K.Mohan

4.K.Lakshmanan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the order of sale of property by way of private negotiation in I.A.No.423 of 2022 in O.S.No.562 of 1986 dated 02.11.2023 on the file of the I Additional Subordinate Judge, Madurai.



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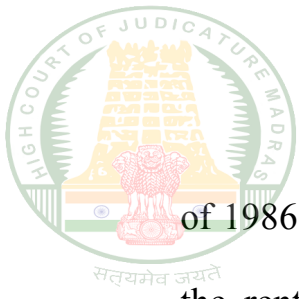
For Petitioners : Mr.N.Murugesan
For Respondent : Mr.S.Manohar (for R1 & R2)
Mr.L.Shaji Chellam (for R3)

COMMON ORDER

These civil revision petitions have been filed by the petitioners challenging the order allowing the respondent to sell the subject property.

2. The respondents filed I.A.No.661 of 2014 and I.A.No.423 of 2022 in O.S.No.562 of 1986 and both the applications were allowed in terms of Section 34 of the Indian Trust Act. Challenging the same, these civil revision petitions have been filed.

3. The learned counsel for the petitioners would submit that the first petitioner's husband, namely, Rajaraman the father of the other petitioners became the tenant of the suit properties bearing D.No.6 of Pandia Velalar Street, Madurai Town, from the year 1975. The petitioners are all residing in the said property till date. There was a dispute between the first respondent and one K.Sivasankaran in respect of the ownership of the property. Therefore, the first petitioner's husband namely, Rajaram filed RCOPNo.269



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of 1986 on the file of the Additional District Munsif, Madurai and deposited the rent regularly before the Court and later, deposited before the Bank. Subsequently, K.Sivasankaran and his wife filed RCOP NO.380 of 1986 on the file of the District Munsif cum Rent Controller, Madurai, against the first petitioner's husband and subsequently, RCOP was dismissed for default on 30.01.2008.

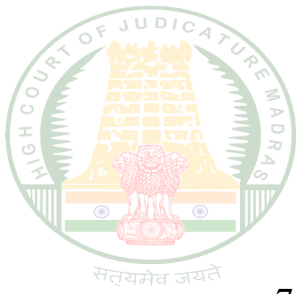
4.In the meanwhile, the petitioner paid the property tax regularly to the corporation and deposited the rent amount in the bank and maintained the building in a good condition. After a long time, the first respondent has filed a suit in O.S.No.562 of 1986 on the file of the I Additional Subordinate Judge, Madurai, for declaration that the property is the trust property and the scheme to be framed for proper unsake of property. After contest, the suit was decreed on 21.01.1993, subsequently, the said Sivasankaran, who filed RCOP as against the first petitioner's husband, preferred an appeal before the lower appellate Court in A.S.No.409 of 1994. During the pendency of the first appeal, the first petitioner's husband, K.S.Rajaram, expired and hence, the first petitioner and other legal heirs impleaded as legal representatives of the deceased Rajaram and thereafter, the appeal was dismissed for default on 16.08.2010. Thereafter, the first respondent filed two Interlocutory Applications in I.A.Nos.661 of 2014 & 423 of 2022 in O.S.No.562 of 1986



with a prayer to permit him to sell the trust property in view of Section 34 of the Indian Trust Act and after contest, the applications were allowed on 09.03.2015 and 02.11.2023, challenging the same these revisions are filed.

5.The learned counsel for the petitioners submitted that the petitioners are the interested person in the Dharmasthabana Trust and they are the tenants of said trust, hence, alienation of the property as against the interest of said trust is not sustainable one and the said issue was not properly adjudicated before the trial Court. Thereby, the trial Court allowed the petition filed by the first respondent for alienating the Dharmasthabana trust in favour of the private individual is not sustainable.

6.The learned counsel appearing for the petitioners further submitted that for the very same relief the first petitioner filed a writ petition before this Court in W.P(MD).No.9643 of 2015 seeking for mandamus forbearing the first respondent from registering any document in respect of aforesaid trust property in favour of the private respondents therein under Section 34 of the Trust Act and the said writ petition was dismissed on 07.07.2023. Thereafter, the present application was filed, which was considered by the trial Court and granted permission to alienate the property in favour of the private respondent.



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7.Per contra, the learned counsel for the respondents submitted that the petitioners were enjoying the property right from the year 1975 without paying single fee either to the first respondent or to Sivasankaran including the Dharmasthabana trust. Though they claimed that they deposited amount in the Court and bank, no proof was filed before this Court with regard to such payment of rent by the petitioners. Further, the trust properties were not properly used for the purpose of trust, thereby they decided to alienate the property. Hence, the first respondent filed a petition under Section 34 of the Indian Trust Act. The trial Court after considering all these aspects, allowed the applications filed by the respondent, which need not be interfered with.

8.Heard the learned counsel appearing on either side and perused the materials placed on record.

9.Admittedly, the petitioners are the tenant in the trust property since from the year 1975. Though the petitioners claim that they are paying the rent in the Court and then the Bank, no proof has been filed with regard to such payment. Further, the subject property belongs to the trust. Since the petitioners have not paid any rent, the trust decided to sell the property for the welfare of the trust. It is also claimed by the respondent that the



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petitioners are not the interested persons over the trust property and they only wanted to grab the property of the trust and they are continuing the tenancy without paying any amount. Thereby, the trust decided to alienate the property for the better benefit of Dharmasthabana Trust. All the issues were rightly appreciated by the trial Court and the order granting permission to the trust to sell the property need no interference.

9.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.06.2025

NCC:Yes/No
Index:Yes/No
Rmk

To:-

1. I Additional Sub Judge, Madurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

Rmk

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