IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CS No. 202 of 2025

1. Thasari Lakshmaiah Chetty Chenna
   Kesavalu Chetty Charities,
   Rep.by its Managing Trustee, Mr.T.V.G.Raju,
   Residing and having its office at Plot No.87,
   Green park, 2nd Main Road,
   Thiruverkadu,Chennai -77

2. Mr.M.Govindan
   S/o.G.Munusami (Trustee),
   No.27/2, Ammaiyappan Mudali Street,
   Chennai-21

..Plaintiff(s)

Vs

nilnil

..Defendant(s)

Prayer:

Civil Suit filed under Section 92(1)(f) of C.P.C., r/w Order IV Rule 1 of O.S.Rules r/w Order VII Rule 1 of C.P.C., a) Grant permission for sale of the scheduled mentioned property and sale deed be registered before Sub Registration Office, Sowcarpet, Chennai-1 execute by the 1st Plaintiff and deposit the sale proceeds in any nationalized bank as per the direction of this Court

For Plaintiff(s): Mr.G.D.Vaishnav

JUDGMENT

The present suit has been filed by the plaintiffs to grant permission to sell the plaintiffs' trust property under Section 92(1)(f) of C.P.C., r/w Order IV Rule 1 of O.S.Rules r/w Order VII Rule 1 of C.P.C.,

2. According to the plaintiffs, the 1st plaintiff is the Managing Trustee of the Trust and the 2nd plaintiff is one of the trustees of the trust, namely, Thasari Lakshmaiah Chetty Chenna Kesavalu Chetty Charities. The plaintiff-trust was formed by one Chenna Kesavalu Chetty grand father of the 1st plaintiff through Trust Deed dated 08.10.1973. The schedule of the property was dedicated to the trust. The suit property was let out to various tenants and previously trust was having rental income. Since the building is more than 100 years old and is in dilapidated condition, the Chennai Corporation issued notice dated 18.10.2019 for demolition of the building. Due to the dilapidated condition, the tenants have vacated from the building and now, there is no income from the suit schedule property. Therefore, Board of the Trustees, through Board of Meeting dated 27.05.2025, have decided to sell the schedule mentioned property for a better price, after obtaining permission of the Court and to invest the sale proceeds in the nationalised bank and to use the interest derived from the sale proceeds to perform religious activities. T.V.Raju, Managing Trustee was authorised to sell the property with the permission of the Court, therefore, the plaintiffs filed the suit for grant of permission to sell the property.

3. In this case there is no defendants, after numbering the suit, this Court permitted the plaintiffs to cause paper publication and the paper publication also effected and there are no objections from any party. In order to prove the case of the plaintiffs, they examined P.W.1 and marked Exhibits P.1 to P.9.

4. On a careful perusal of evidence of P.W.1 and Exhibits P.1 to P.9, they revealed that the property belongs to the trust and the building is in a dilapidated condition. Now the Board of Trustees decided to sell the property for the benefit of the trust. The plaintiffs also produced the copy of the guideline value of the property and on perusal of the same, it reveals that guideline value of the property is Rs.4,400/- per square feet. The plaintiffs have also stated that they have no adverse interest against the trust and the sale of the property is only for the benefit of the trust and they are ready to deposit sale proceeds in the fixed deposit in any nationalised Bank and there is no income from the trust.

5. Considering the above said reasons, it is appropriate to allow this suit to sell the suit property and accordingly this Court is inclined to grant permission to the plaintiffs to sell the schedule mentioned property subject to the following conditions:

(i) The plaintiffs are permitted to sell the property for not less than guideline value of the property through public auction by inviting applications from the prospective purchasers.

(ii) The plaintiffs are directed to invest sale proceeds in the fixed deposit in any nationalised bank and the interest accrued therein shall be utilised by the plaintiffs for the benefit of the trust ;

(iii) For safe custody, after completion of sale, the registered sale deed has to be deposited before this Court and the plaintiffs are at liberty to utilize the interest accrued for the benefit of the trust. The memo and calculation are to be filed along with the registration of the sale deed.

(iv) With the above said conditions, the suit is decreed as prayed for.

21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssd

P.DHANABAL, J.

ssd

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