



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 32 of 2026

A.Mohammed Abdullah
S/o. Amir Basha Sahib,
No.48-A, Janakiram Nagar,
1st Street, Sembiam, Perambur,
Chennai 600 011.

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

a) Appoint the Petitioner A.Mohammed Abudullah as Manager of the Property Mr.A.Shakir Basha in respect of his 1/5th undivided share in the property bearing Old Door No.48-A, New Door No. 18, Plot NO.48-A, Janakiram Nagar 1st Street, sembium, Perambur, Chennai 600 011 which is morefully described in the schedule of this petition. b) Permission to sell 1/5 undivided share in the property bearing Old Door No.48-A, New Door No.18, Plot No.48-A, Janakiram Nagar 1st Street, Sembium, Perambur, Chennai 600 011 which is morefully described in the schedule of this petition owned by the Ward Mr.A.Shakir Basha through the Petitioner herein for a consideration of Rs.13,00,000/- in pursuance of the Sale Agreement dated 18.11.2025 executed by Mrs.B.Noorunnisa the proposed purchaser of the property to the petitioner herein.

For Petitioner(s):

M/s.C.Shankar (Ms.1230/92)
K.Vaidhyanathan
S.Akshy Kumar

For Respondent(s):

Aos Filed Dno: 10185,10186,dt: 23/03/2026



ORDER

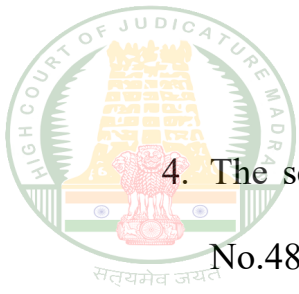
WEB COPY

This Original Petition has been filed under Clause XVII of the Letters Patent, seeking appointment of the petitioner as Manager of the property of A. Shakir Basha and for permission to sell the undivided 1/5 share of the said A. Shakir Basha in the schedule mentioned property.

2. The petitioner, A. Mohammed Abdullah, is the father of A. Shakir Basha.

According to the petitioner, A. Shakir Basha was born on 21.08.1984 and is a person with intellectual disability from birth. He has been assessed with 80% disability by the competent medical authority. The petitioner states that the ward is in his care and custody and that he has been taking care of his maintenance, welfare and livelihood.

3. The petitioner further states that he had applied for appointment as legal guardian of A. Shakir Basha under Section 14 of the National Trust Act, 1999 and that the said application was accepted by the Ministry of Social Justice and Empowerment, Government of India. The petitioner has therefore stated that he is the natural guardian as well as the legal guardian of the ward.



4. The schedule property bearing Old Door No.48-A, New Door No.18, Plot No.48-A, Janakiram Nagar 1st Street, Sembium, Perambur, Chennai-600011, measuring 1200 sq.ft., was originally purchased jointly by the petitioner and his wife A. Mahmudha under a registered sale deed dated 17.03.2004. Thereafter, they settled the entire property in favour of their children, namely, Rabicka Bee, Dasthagir Basha, Rasheedha Bee, Wahid Basha and Shakir Basha. Thus, each of the five children became entitled to an undivided 1/5 share in the property.

5. The petitioner states that subsequently, the other children, except A. Shakir Basha, settled their respective shares in favour of the petitioner. On that basis, the petitioner became entitled to the undivided 4/5 share in the schedule property, while the remaining undivided 1/5 share continued to belong to the ward, A. Shakir Basha.

6. The petitioner further states that he conveyed his undivided 4/5 share in favour of A. Asgarkhan under a registered sale deed dated 14.03.2023. Therefore, according to the petitioner, A. Asgarkhan is presently entitled to the undivided 4/5 share and the ward is entitled to the remaining undivided 1/5 share in the schedule property.



7. The petitioner states that A. Asgarkhan, being the major shareholder, has decided to sell the schedule property in favour of B. Noorunnissa. The proposed purchaser has also agreed to purchase the ward's undivided 1/5 share for a sale consideration of Rs.13,00,000/-. The petitioner, as guardian of the ward, has entered into a sale agreement dated 18.11.2025 with B. Noorunnissa, subject to obtaining permission from this Court.

8. The petitioner has filed the present petition stating that though he is the natural guardian and has also been appointed as legal guardian under the National Trust Act, permission of this Court is necessary for sale of the immovable property belonging to the ward. The petitioner has undertaken that the entire sale consideration will be deposited in the name of the ward and that the income therefrom will be used only for the welfare of A. Shakir Basha.

9. Since there is no respondent in this Original Petition, the learned Master directed general paper publication in one Tamil daily and one English daily. Publication was effected in "Makkal Kural" and "Trinity Mirror" dated 16.03.2026. On 30.03.2026, the learned Master recorded that publication had been effected, affidavit of service had been filed and no objection was raised by any person in open Court.



10. Pursuant to the order of this Court dated 07.04.2026, the petitioner was examined as P.W.1 before the learned Master on 17.04.2026. The disability certificate was marked as Ex.P1; the guardianship certificate was marked as Ex.P2; the sale deed dated 17.03.2004 was marked as Ex.P3; the settlement deed in favour of the children was marked as Ex.P4; the subsequent settlement deeds and sale deed were marked as Exs.P5 to P7; the sale agreement dated 18.11.2025 was marked as Ex.P8; and the paper publications were marked as Exs.P9 and P10.

11. On a consideration of the pleadings and evidence, this Court is satisfied that A. Shakir Basha is a person with intellectual disability and that the petitioner is his father and legal guardian. The record also shows that the ward is entitled only to an undivided $\frac{1}{5}$ share in the schedule property and that the remaining $\frac{4}{5}$ share has already been conveyed to a third party. In such circumstances, retaining the undivided $\frac{1}{5}$ share may not practically benefit the ward. Conversion of the said share into money and securing the amount in a bank deposit would better serve the interest and welfare of the ward.

12. The proposed sale consideration for the ward's undivided $\frac{1}{5}$ share is Rs.13,00,000/-. The guideline value produced shows the value at Rs.3,500/- per sq.ft. The ward's $\frac{1}{5}$ share corresponds to 240 sq.ft. out of 1200 sq.ft. On



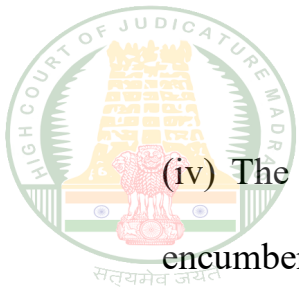
that basis, the guideline value for the ward's share would be Rs.8,40,000/-.

Therefore, the proposed consideration of Rs.13,00,000/- cannot be said to be inadequate.

13.This Court is therefore inclined to grant permission, subject to conditions safeguarding the sale proceeds and ensuring that the amount is used only for the welfare of A. Shakir Basha. This order is confined only to the ward's undivided 1/5 share in the schedule property and shall not be treated as an adjudication of title in respect of any other share or property.

14.Accordingly, this Original Petition is ordered on the following terms:

- (i) The petitioner is permitted to sell the undivided 1/5 share of A. Shakir Basha in the schedule property to B. Noorunnissa or her nominee, in terms of the sale agreement dated 18.11.2025, for a consideration of not less than Rs.13,00,000/- within 3 months.
- (ii) The petitioner shall not execute or register the sale deed unless the entire sale consideration of Rs.13,00,000/- is received by demand draft, banker's cheque, account transfer, or any other traceable banking mode.
- (iii) The entire sale consideration shall be deposited in the name of A. Shakir Basha in a nationalised bank, in an interest-bearing fixed deposit.



(iv) The fixed deposit shall not be prematurely closed, pledged, assigned, or encumbered without leave of this Court.

(v) The petitioner may withdraw only the periodical interest from the fixed deposit. Such interest shall be used only for the maintenance, medical care, residence, food, clothing and welfare of A. Shakir Basha.

(vi) Within four weeks from the date of registration of the sale deed, the petitioner shall file into Court a memo enclosing a copy of the registered sale deed and proof of deposit of the entire sale consideration.

(vii) The permission granted by this order is confined only to the undivided 1/5 share of A. Shakir Basha in the schedule property. It shall not be treated as permission to deal with any other property or asset of the ward.

15. There shall be no order as to cost.

25-06-2026

Index: Yes/No
DPQ



WEB COPY

OP No. 32 of 2



DR.A.D.MARIA CLETE, J.

DPQ

OP No. 32 of 2026

25-06-2026