IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

**Present: Thiru. Swarnam J. Natarajan, M.L.,
Principal District Judge, Theni**

Monday, this the 06th day of April - 2026
Trust O.P. No. 53/2024
C.N.R. No.TNTH01-003726-2024

Patanjali Yokpeeth Trust,
Represented by its Authorized
Power Agent Thiru. Pankaj Shah,
Door No.178/B, Panditwari,
Dehradum Base – 2,
Uttarakhand State. ...Petitioner

/Versus/

-Nil- ...Respondent

This petition is coming upon 27.03.2026, for final hearing before me in the presence of Thiru. K. Vasantha Kumar and M. Divakaran, Advocates for the Petitioner and upon hearing the arguments of petitioner side and perusing records, this court deliver the following :

O R D E R

The Trust Application is filed under Section 34 of the Indian Trust Act, read with Sections 37, 38 and 39 of Trust Act, 1882 seeking permission to alienate the petition mentioned properties Item 1 to 6 situated in Periyakulam Sub-division and Bodi Sub-division for the benefit of the Trust and for such other orders.

2(i). In the amended petition, the petitioner had stated that all the properties listed out in the schedule are situated within the jurisdiction of this court at Theni District, thereby this Court has jurisdiction to entertain and dispose of this application.

2(ii). The petitioner is an authorized agent of Patanjali Yogpeeth Trust. The said trust was established on 02.02.2005 with the noble object of providing yoga training, manufacturing Ayurvedic medicines, conducting charitable activities, educational initiatives, and rendering social service including running hospitals for the benefit of the public. The trust was founded by Swami Shankar Dev Ji as patron, Swami Ramdev Ji as President, Acharya Balkrishna Ji as Treasurer, and Swami Muktanand as General Secretary. The trust has its headquarters at Delhi and operates branches across various states in India.

2(iii). The trust had acquired several movable and immovable properties in the name of the members of the trust and for the purpose of purchasing properties in Theni district, one Jegatheeswaran was appointed as the trust member and the schedule mentioned properties were purchased on behalf of the trust on May 20th, 2014.

2(iv). The first schedule was purchased in the name of the trust from one Jayakodi and others. In June 2018-2014, while the said Jegatheeswaran continued as member, the second schedule of property was purchased in the name of the trust from one Leelavathi. On the same day, the third schedule property was purchased in the name of the trust from one Sujatha and fourth schedule of property was purchased in the name of the trust from one Vijay Anand. Fifth schedule of property was purchased in the name of the trust from Naresh Babu. On February 10th, 2017, the sixth schedule of property was purchased in the name of the trust. All these schedule mentioned properties were purchased in the name of the trust through the said trust member Jegatheeswaran Pillai.

2(v). The petitioner was appointed as its authorized agent of the trust for the purpose of developing organic products, conducting research, implementing test farming, and managing research funds including the power to sell, mortgage, lease, enter into agreement, execute documents, register the same and obtain No Objection Certificate in respect of the trust properties situated in Theni District. This appointment was made through resolution passed by the General Body meeting of the trustees held on 18.03.2024 and an authorization letter dated 24.02.2023 was also issued in this regard.

2(vi). The funds presently available for the developmental activities, research, farming operation, and administrative expenses are insufficient. Due to this financial constraint, it has become difficult to manage and maintain the properties Item 1 to 6. Therefore, the managing trustees and other trustees have jointly resolved to authorize the petitioner, their power agent to sell, mortgage, lease, enter into agreements or obtain NOC in respect of the said properties to meet the trust requirement. To this effect, an original petition Trust O.P. No.53 of 2024 was filed under Section 34, 38 and 39 of the Indian Trust Act before this Court seeking permission for appointment of the petitioner to sell, mortgage, lease, enter into agreement and obtain NOC for the scheduled properties.

2(vii). By letter dated 26.03.2025 this Court in the during hearing had sought for report from the Additional Director General of Police, State of Tamil Nadu, Crime Record Bureau and the District Collector Theni and IG registration Chennai to ascertain whether any economic offence or cheating case pending against the trust and any attachment ordered from the Court concerned. In due, the Superintendent of Police replied that no case has been registered against the petitioner or against the trustees and admitted the title of the trust. The District Collector while his reply dated 26.06.2025 had stated that the trust is functioning for eight years in an area of around 300 acres and the property situated in Bodinayakanur subdivision is classified as forest land.

2(viii). Hence, the petitioner based on the said report submitted by the District Collector filed a memo deleting Item 7 in the earlier petition schedule property which has been classified as forest land. Thereafter, by order dated 29.07.2025 this Court was pleased to dismiss the Trust O.P. stating that there is no specific pleadings or averment in the petition with respect to the income generated by the trust from and out of the properties and what is the actual amount required to meet out the expenses and whether all these seven items of properties are required to be alienated, mortgaged or leased out has not been convincingly established by the petitioner by way of pleadings.

2(ix). Challenging the said order, Civil Revision Petition (MD) No.3864 of 2025 was filed by the petitioner. The Hon'ble High Court was pleased to remand the matter by directing the petitioner to file an affidavit containing the specific pleadings enumerating the actual income and expenditure of the trust. Accordingly, the said particulars have been incorporated by filing an separate pleadings and the Hon'ble High Court was pleased to remit the matter back to this Court for fresh consideration and direct disposal within eight weeks.

2(x). Thereafter, the amendment was considered and the petitioner was allowed to delete the seventh schedule of the property and also to incorporate the income expenditure statement. Hence, the present application is filed. After amendment, the petitioner had filed Ex.P1 to Ex.P19 documents and Ex.20 to Ex.23 were marked on consent.

3. The earlier application filed by the petitioner was dismissed by this Court on the ground that huge extent of property mentioned in Items 1 to 7 cannot be permitted to be alienated, mortgaged or leased out through the General Power of Attorney Agent without there being specific pleadings or averment in the petition with regard to the income generated by the trust from and out of the properties and what is the actual amount required to meet out the expenses and whether all these seven items of properties are required to be alienated, mortgaged or leased out. An omnibus order authorizing the petitioner to sell, alienate or lease out the property cannot be issued without there being a specific case put forth by the petitioner. Thereby, the application was dismissed by this Court.

4. Before going into the merits of the matter, it is necessary to see the object of the Trust from the trust deed Ex.P1. The trust was established as proposed Patanjali Yogpeeth Village Chawla New Delhi as per the wishes of Param Poojya Swami Ramdev Ji Maharaj who has revolutionized yoga and Ayurveda in his era and has become a symbol of nationalism and patriotism. As per his wishes, Rs.25,000/- was collected by the trust through various programs and donation from the followers and the object is to provide Ayurvedic treatment, research to cure and prevent people from various diseases.

5. The object of the trust from the trust deed is to achieve complete eradication of all sorrows, physical illness, mental peace, and attainment of bliss received from ancestral sages through Ashtanga Yoga, Raja Yoga, Dhyana Yoga, Hatha Yoga, Asana and Pranayama. To provide and distribute free medicines, clothes, food items to helpless, poor, downtrodden, underprivileged people and tribal area. To open medical camps, hospitals equipped with modern medical facilities. To grow different kinds of herbal medicine through preservation of different categories of species, conservation, preservation and different kind of medicinal gardens for it. To organize personality development camps, exhibitions, countrywide travel, anniversaries of great people, etc.

6. To achieve the object board of trustees in accordance with the time and need can seek donations, gifts, movable and immovable properties, loans from a person, company, firm, organization, bank or other financial agencies or trust in India or abroad and also give and take movable properties, immovable properties on long term lease. Local branches will maintain its account and will have to give a quarterly presentation to the head office. The investment plans of trust funds will be based standards of Income Tax Act.

7. As far as jurisdiction is concerned, in the trust deed the jurisdiction has been defined as, registered office is in Delhi so far as all disputes are subject to the jurisdiction of all competent courts and forums of New Delhi only. Thereby, the trust had its head office at Delhi and jurisdiction has been defined as at Delhi. How the present application is filed before Theni, since because the properties are situated at Theni has not been clarified by the petitioner counsel.

8. From the trust deed it reveals that the object of the trust is to do service to the general public by receiving donations and properties from the general public. Thereby, the trust falls under the category of public trust. Under such circumstances, the application filed under Sections 34, 37, 38 is not maintainable.

9. In this regard the recent Division Bench judgment of the Hon'ble High Court Madras between ***M/s. A.R.R. Charitable Trust and Ors vs. Amrita Vishwa Vidyapeetham and Ors*** the Hon'ble Division Bench of the Madras High Court was pleased to rely upon and held in Paragraph No.11 to 19.

> *"11. In Trustees of HEH The Nizam's Pilgrimage Money Trust, Hyderabad Vs. Commissioner of Income Tax, A.P., Hyderabad reported in (2000) 4 SCC 179, the Hon'ble Supreme Court noted a difference between Section 34 of the Indian Trusts Act and Section 92 of the Code of Civil Procedure and held that an application under Section 34 cannot be treated*

as an application under Section 92. In paragraph 10 of the said judgment the Hon'ble Supreme Court has observed as follows:-

10. ..... We cannot also accept the contention of the learned counsel that the application under Section 34 of the Trusts Act be treated as a suit under Section 92 of the Code of Civil Procedure for reasons more than one. Suffice it to say that the application purported to be under Section 34 of the Trusts Act does not satisfy requirements of Section 92 of the Code of Civil Procedure.

12. Another factor which stands in the way of invocation of Section 34 of the Indian Trust Act in matters relating to Public Charitable Trust is that the preamble of Indian Trust Act, 1882 itself restricts its operation to private Trusts and Trustees. The preamble reads as follows:-

An Act to define and amend the law relating to Private Trusts and Trustees.

Preamble.—WHEREAS it is expedient to define and amend the law relating to private trusts and trustees; It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY 1.

Short title.—This Act may be called the Indian Trusts Act, 1882.

Commencement.—and it shall come into force on the first day of March, 1882.

Local extent.—2 [It extends to 3 [the whole of India and] the Andaman and Nicobar Islands; but the Central Government may, from time to time, by notification in theOfficial Gazette, extend it to 6 [the, Andaman and Nicobar

Islands] or to any part thereof.]

Savings.—But nothing herein contained affects the rules of Muhammadan law as to waqf, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, or to trusts to distribute prizes taken in war among the captors; and nothing in the Second Chapter of this Act applies to trusts created before the said day.

13. In view of the above categorical exclusion, we are afraid that invocation of Section 34 in matters relating to Public Charitable Trust is impermissible.

14. In A.Changiah and others reported in 1997-3-LW-537, Hon'ble Mr.Justice K.Sampath had held that by its very nature, a proceeding under Section 34 are summary and they do not permit rowing enquiry. Therefore, considering the question as to whether the Trust should be permitted to sell its properties would be beyond the scope of Section 34. The learned Judge after referring to the judgment of the Hon'ble Supreme Court in Official Trustee Vs. Sachindra Nath Chatterjee and another reported in AIR 1969 SC 823 and the judgment of this Court in re-Madras Doveton Trust Fund reported in (1895) ILR 18 Madras 443 held that Section 34 cannot be invoked for permitting sale of Trust properties.

15. In Swami Dayanadha Saraswathi Memorial Trust Vs. Sri Ramachandra Educational Trust referred to supra, the Hon'ble Mr.Justice Senthilkumar Ramamoorthy after referring to the judgments of the Hon'ble Supreme Court in Sheik Abdul Kayum Vs. Mulla Alibhai reported in AIR 1963 SC 309 and Trustees of HEH The Nizam's Pilgrimage Money Trust, *Hyderabad Vs. Commissioner of Income Tax, A.P., Hyderabad reported in (2000) 4 SCC 179 referred to supra held that the power under Section 34 is intended to deal with the question that are capable of proceeding with any summary proceedings and not questions of detail, difficulty or importance. The learned Judge ruled out the applicability of Section 34 to proceedings which are more complex in nature. We are in entire agreement with the view expressed by Hon'ble Justice.Senthil Ramamurthy in Swami Dayanandha Saraswathi Memorial Trust Vs. Sri Ramachandra Educational Trust reported in MANU/TN//3161/2020 in this regard.*

16. In K.Srinivasan Vs. G.Kuppusamy Naidu Memorial Sport Trust, Kovilpatti reported in 2010 (5) CTC 438 the Hon'ble Mr.Justice Selvam held that Section 34 and 39 of the Trust Act cannot be invoked in matters relating to Public Trusts. In the light of the language of Section 92 of the Code of Civil Procedure, particularly, where it permits the Trustees to move the Court in case where a direction of the Court is deemed necessary for administration of the Trust and it includes within its sweep the matters which are not contentious also, we find that the narrow interpretation sought to be placed on its provision by the Hon'ble Mr.Justice V.Parthiban run counter to the settled position of law and as such we are unable to approve of the same.

17. Yet another circumstance which impels us to conclude that the applications for permission to sell the property made under Section 92(1)(f) are maintainable is the doctrine of cursus curiae est lex curiae meaning the practice of the Court is the law of the Court. In Maxworth Orchards Vs. B.Ravi Babu and others reported in 2023 (4) LW 205 to which one of us [Hon'ble Mr.Justice R. Subramanian] was a party, this Court had held that the practice of the Court is the law of the Court. This Court had adopted the *above maxim to justify the practice of the Court to justify the action of the Court in setting aside sales based on the report of the Administrators. In doing so, the Division Bench had relied upon the judgment of the Calcutta High Court in Habibar Rahaman Vs. Saidannessa Bibi reported in ILR (1924) 51 Cal 331 and the opinion of Coke C.J. in Burrowes Vs. High Commission Court, 3 Bulst. 48, 53. Reliance was also placed on the judgment in Freeman Vs. Tranah reported in 1882 (12) CB 414. The Hon'ble Supreme Court also had adopted the principle in Rao Shiva Bahadur Singh and another Vs. The State of Vindhya Pradesh reported in AIR (1955) SC 446 and the judgment in Rias Ahmad Vs. State of U.P and others reported in (1999) 6 SCC 391. It has been the practice of this Court to entertain the application or the suits under Section 92 with a prayer for sale of the property in terms of Section 92(1)(f) for considerably long time now and any deviation from such procedure, in our opinion, may not augur well for the Institution as such.*

18. We therefore, with due respect, conclude that the view of the Hon'ble Mr.Justice V.Parthiban to the effect that an application under Section 92(1)(f) at the instance of the Trusts or the Trustees is not maintainable cannot be sustained. No doubt, Section 7 of the Charitable and Religious Trusts Act, 1920 could also be invoked, but, the said provision would also suffer the same deficiency as Section 34 as pointed out by Hon'ble Mr.Justice K.Sampath and the Hon'ble Mr.Justice Senthilkumar Ramamoorthy in A.Changiah and others reported in 1997-3-LW-537 and Swami Dayanandha Saraswathi Memorial Trust Vs. Sri Ramachandra Educational Trust reported in MANU/TN//3161/2020.

19. In fine, we conclude that the application / suit under Section 92 seeking permission to sell Trust property would be maintainable under

Section 92(1)(f) of the Code of Civil Procedure."

10. Based on the above the application filed under Sections 34, 37, 38 is not sustainable and the petitioner ought to have filed under Section 92 CPC before the Delhi jurisdictional court by filing application by two of its trustees seeking permission for alienation.

11. The expenditure statement of the properties situated in Theni and the income generated from the properties of Theni were produced before the Court based on the permission granted by the Hon'ble High Court Madras by way of amendment. However, the petitioner had not indicated as to what is the extent of property they intend to alienate and whether all the properties mentioned in Items 1 to 6 are necessary to be alienated for the purpose of augmenting income to the trust for the purpose of achieving its object has not been specified.

12. Moreover, the petitioner is not sure about his case and he intend to seek for permission to alienate, sell, mortgage or lease out the property and all the above prayers are contrary to each other. The petitioner is not specific whether they want to retain the possession or ownership with them and only intend to generate income by way of leasing out the property or by mortgaging the same or whether they intend to sell the property outright for the purpose of generating income to achieve the object. An omnibus order granting permission to alienate, sell, mortgage or lease out the property cannot be granted merely because the trust had passed a resolution to authorize the power agent to sell the property and the petitioner had not convinced this Court that they imminently require the property to be alienated, sold, mortgaged for the purpose of generating income to the trust. Thereby, this Court finds that the petitioner had not convinced this Court with regard to the necessity to alienate the property and the present application is liable to be dismissed and accordingly the petition is dismissed.

In the result, this petition is dismissed. No cost.

Dictated to the Steno-Typist, taken by her in shorthand, transcribed and typed by her with the help of voice recorder, and Microsoft 365, corrected and pronounced by me, in the open court, this the 06th day of April - 2026.

SWARNAM J NATARAJAN
Digitally signed by SWARNAM J NATARAJAN
Date: 2026.04.06 18:05:11 +0530

Principal District Judge,
Theni.

List of Witness examined on the side of Petitioner :-

PW1	Thiru. Pankaj Shah (Petitioner)

List of Exhibit marked on the side of the Petitioner:-

Ex.P1/PW1	02.02.2005	Attested TrueCopy of Patanjali Yogpeeth Trust Deed.
Ex.P2/PW1	18.03.2024	Attested True copy of minutes of meeting for Patanjali Yogpeeth (Trust) held on 24.08.2023.

Ex.P3/PW1	28.08.2023	Attested copy of of Authority Letter.
Ex.P4/PW1	24.02.2023	Authority Letter.
Ex.P5/PW1	24.02.2023	True copy of the Board Resolution passed by Board of Trustees of Patanjali Yogpeeth.
Ex.P6/PW1	--	Photocopy of Aadhar card of the petitioner.
Ex.P7/PW1	--	Photocopy of Identity card of the petitioner.
Ex.P8/PW1	20.05.2014	Sale deed in Doc. No.864/2014 (1st item) – Original.
Ex.P9/PW1	18.06.2014	Sale deed in Doc. No.1068/2014 (2nd item) – Original
Ex.P10/PW1	18.06.2014	Sale deed in Doc. No.1066/2014 (3rd item) – Original
Ex.P11/PW1	18.06.2014	Sale deed in Doc. No.1067/2014 (4th item) – Original
Ex.P12/PW1	18.06.2014	Sale deed in Doc. No.1065/2014 (5th item) – Original
Ex.P13/PW1	10.02.2017	Gift Settlement deed in Doc. No.459/2017 (6th item) – Original.
Ex.P14/PW1	10.06.2019	Sale deed in Doc. No.2818/2019 (7th item) – Original.
Ex.P15/PW1	06.03.2025	Copy of Encumbrance Certificates for the Item 1 to 6 of the petition mentioned properties.
Ex.P16/PW1	02.02.2005	Certified copy of Trust Deed.
Ex.P17/PW1	06.03.2025	Copy of Encumbrance Certificates for the 7th Item of the petition mentioned property.
Ex.P18/PW1	*****	Copy of Audited Financial Statement –

		(F.Y.2022-23) / (A.Y.2023-2024) Part – 1, Income Tax Return Acknowledgment Assessment Year – 2022-23 and 2024-25.
Ex.P19/PW1	06.03.2025	Computer copy of Patta for Item 1 to 7 of the petition mentioned property.
Ex.P20	19.10.2022	Income Tax Return Acknowledgment Assessment Year – 2022-23.
Ex.P21	23.11.2023	Income Tax Return Acknowledgment Assessment Year – 2023-24.
Ex.P22	16.10.2024	Income Tax Return Acknowledgment Assessment Year – 2024-25.
Ex.P23	06.11.2025	Income Tax Return Acknowledgment Assessment Year – 2025-26.

Respondent side witness and documents :-

-Nil-

SWARNAM J NATARAJAN
Digitally signed by SWARNAM J NATARAJAN
Date: 2026.04.06 18:05:17 +0530

Principal District Judge,
Theni.

The Principal District Court,
Theni.
Trust O.P.No.53/2024
Copy of Order
Dated : 06.04.2026