

IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT

**PRESENT: TMT. K.INBARANI, B.A.,B.L.,
(J.O.Code - TN02350)
DISTRICT MUNSIF, KATPADI**

Wednesday, this the 11th Day of February – 2026

**I.A.No. 3 of 2023
In
O.S.No. 60 of 2015
(CNR.No.TNVL23-000182-2015)**

1. Carolyn Whitwell
2. David Whitwell
- Rep. by their Power of Attorney K.Ravi
3. K.Ravi
4. R.Nirmala

.....Petitioners/Defendants – 1 to 4

-Vs-

1. Member of Bishopston Kuppam Link and Bishopston Trading Company's
Partner and Labour Union Represented by its president K.Sasivannamaran

.....Respondent/Plaintiff

2. The Collector of Vellore District
3. The Tahsildar, Katpadi
4. The Village Administrative Officer, Veppanganeri
5. The Sub-Registrar, K.V.Kuppam
6. The Junior Engineer, O&M/TNEB/K.V.Kuppam

.....Respondents/Defendants - 5 to 9

This petition has come up today before this Court for orders, in the presence of Thiru.G.Rajendiran, the Counsel for the Petitioners and Thiru.L.Pandurangan and Thiru.T.Munisamy, the Counsels for the 1st Respondent and the Respondents – 2 to 6 were failed to file their counter and set exparte. Upon perusing the entire case records, this court delivers the following:

ORDER

This petition has been filed by the Petitioners under Order VII Rule 11(d) of Code of Civil Procedure to reject the above plaint with cost.

1. **Brief averments of the Affidavit filed by the Petitioners is as follows:-**

1.1 The Petitioners states that he is the 3rd Defendant in the above suit and he is well acquainted with the facts and circumstances of the case and he has been duly authorised to represent Petitioners - 1 & 2 by virtue of a validly executed Power of Attorney and is competent to swear to this affidavit on his own behalf and on behalf of the said Petitioners. The 4th Petitioner is the wife of the Petitioner herein and is also a Trustee concerned with the administration of the Trust property which forms the subject matter of the present suit.

1.2 The Petitioners 1 & 2, being the founders of the Trust, executed a Power of Attorney Deed dated 24.09.2013 in favour of the Petitioner. The said document was duly attested before the Consular Office of India at London and subsequently adjudicated

before the District Registrar concerned in accordance with law. This Court, after considering the validity of the said document, was pleased to permit the Petitioner to represent Petitioners - 1 & 2 in the present proceedings. The certified copies of the Power of Attorney and adjudication order have already been produced before this Court.

1.3 The Petitioners further states that the suit property absolutely belongs to the Trust constituted under a Principal Trust Deed dated 05.11.1999 executed by Petitioners – 1 & 2. The said Trust Deed clearly sets out the objects, powers and administration of the Trust and reserves certain rights to the authors. In furtherance of the objects of the Trust, the suit property measuring about 2.85 acres was purchased under a registered Sale Deed dated 20.12.2000 in the name of the Trust. Since the date of purchase, the Trust has been in lawful possession and enjoyment of the property and has put up superstructures thereon for carrying out its activities.

1.4 The Petitioners further states that Supplemental Trust Deeds dated 20.07.2011 and 30.08.2013 were executed to induct additional Trustees and to ensure proper administration of the Trust affairs. By virtue of the said Supplemental Deeds, the Petitioner and the 4th Petitioner were appointed as Trustees with full authority to administer, manage and safeguard the Trust properties in accordance with the objects of the Trust. The said documents clearly establish the lawful authority of the Petitioners to deal with the suit property.

1.5 The Petitioner further more states that the Respondent/Plaintiff has no manner of right, title or interest over the suit property and has falsely projected himself as having some connection with the Trust without producing any legally acceptable documentary evidence. The suit has been filed without any valid cause of action and is intended only to interfere with the peaceful administration of the Trust property. The allegations made in the plaint are false, baseless and denied in toto and the Petitioner therefore submits that in view of the valid Trust Deeds, registered Sale Deed, Power of Attorney and other supporting documents placed before this Court, the Petitioners alone are legally entitled to administer and manage the suit property. The present suit is not maintainable either in law or on facts and is liable to be reject the suit with costs. Hence, they have filed this petition.

2. **Brief averments of the Counter filed by the 1st Respondent is as follows:-**

2.1 The 1st Respondent states that the averments made by the Petitioners are false, misleading and contrary to the true facts of the case. The Respondent denies each and every allegation except those that are specifically admitted herein. The Petition has been filed with an intention to suppress the material facts and to mislead this Court. The claim of the Petitioners that they alone are entitled to administer and manage the suit property is wholly untenable and the suit property was never exclusively under the absolute control of the Petitioners as alleged. The documents relied upon by the

Petitioners, including the alleged Trust Deeds and Power of Attorney, do not confer any absolute or unfettered right upon them to deal with the property in the manner they claim. The Respondent puts the Petitioners to strict proof of the validity, execution and enforceability of the said documents.

2.2 The Respondent further states that the alleged Power of Attorney dated 24.09.2013 cannot automatically validate all acts done by the 3rd Petitioner, especially when the same has been questioned and when the foundational authority itself is under serious dispute and mere adjudication of a document does not cure defects relating to authority, intention, or legality. The Petitioners have suppressed the true nature of possession and enjoyment of the suit property and the suit property has been used for common purposes and activities, and the Petitioners are attempting to convert the same into their exclusive domain, contrary to the original intention and object under which the property was acquired. The allegations that the Respondent has no right or locus standi are specifically denied.

2.3 The Respondent further states that the present Petition is not maintainable either in law or on facts. The Petitioners have failed to disclose a clear and sustainable cause of action. The relief sought is misconceived and liable to be rejected. The Respondent craves leave of this Court to raise additional grounds and produce necessary documents at the time of trial. Hence, he prayed to dismiss the petition.

3. **Point for Consideration:-**

- a) Whether this petition is entitled to be allowed or not?

4. **Answering to the Point:-**

4.1 The Petitioner submits that he is the 3rd Defendant in the above suit and is well acquainted with the facts and circumstances of the case. The Petitioner further submits that he has been duly authorised to represent Petitioners 1 and 2 by virtue of a validly executed Power of Attorney and is competent to swear to this affidavit on his own behalf and on behalf of the said Petitioners. The 4th Petitioner is the wife of the Petitioner herein and is also a Trustee concerned with the administration of the Trust property which forms the subject matter of the present suit.

4.2 The Petitioner submits that Petitioners 1 and 2, being the founders of the Trust, executed a Power of Attorney Deed dated 24.09.2013 in favour of the Petitioner. The said document was duly attested before the Consular Office of India at London and subsequently adjudicated before the District Registrar concerned in accordance with law. This Court, after considering the validity of the said document, was pleased to permit the Petitioner to represent Petitioners 1 and 2 in the present proceedings. The certified copies of the Power of Attorney and adjudication order have already been produced before this Court.

4.3 The Petitioner submits that the suit property absolutely belongs to the Trust constituted under a Principal Trust Deed dated 05.11.1999 executed by Petitioners 1 and 2. The said Trust Deed clearly sets out the objects, powers and administration of the Trust and reserves certain rights to the authors. In furtherance of the objects of the Trust, the suit property measuring about 2.85 acres was purchased under a registered Sale Deed dated 20.12.2000 in the name of the Trust. Since the date of purchase, the Trust has been in lawful possession and enjoyment of the property and has put up superstructures thereon for carrying out its activities.

4.4 The Petitioner further submits that Supplemental Trust Deeds dated 20.07.2011 and 30.08.2013 were executed to induct additional Trustees and to ensure proper administration of the Trust affairs. By virtue of the said Supplemental Deeds, the Petitioner and the 4th Petitioner were appointed as Trustees with full authority to administer, manage and safeguard the Trust properties in accordance with the objects of the Trust. The said documents clearly establish the lawful authority of the Petitioners to deal with the suit property.

4.5 The Petitioner submits that the Respondent/Plaintiff has no manner of right, title or interest over the suit property and has falsely projected himself as having some connection with the Trust without producing any legally acceptable documentary evidence. The suit has been filed without any valid cause of action and is intended only

to interfere with the peaceful administration of the Trust property. The allegations made in the plaint are false, baseless and denied in toto.

4.6 The Petitioner therefore submits that in view of the valid Trust Deeds, registered Sale Deed, Power of Attorney and other supporting documents placed before this Court, the Petitioners alone are legally entitled to administer and manage the suit property. The present suit is not maintainable either in law or on facts and is liable to be rejected the suit with costs.

4.7 The Respondent submits that the averments made by the Petitioners are false, misleading and contrary to the true facts of the case. The Respondent denies each and every allegation except those that are specifically admitted herein. The Petition has been filed with an intention to suppress the material facts and to mislead this Court. The claim of the Petitioners that they alone are entitled to administer and manage the suit property is wholly untenable. The Respondent states that the suit property was never exclusively under the absolute control of the Petitioners as alleged. The documents relied upon by the Petitioners, including the alleged Trust Deeds and Power of Attorney, do not confer any absolute or unfettered right upon them to deal with the property in the manner they claim. The Respondent puts the Petitioners to strict proof of the validity, execution and enforceability of the said documents.

4.8 The Respondent further submits that the alleged Power of Attorney dated 24.09.2013 cannot automatically validate all acts done by the 3rd Petitioner, especially

when the same has been questioned and when the foundational authority itself is under serious dispute. The Respondent states that mere adjudication of a document does not cure defects relating to authority, intention, or legality. The Petitioners have suppressed the true nature of possession and enjoyment of the suit property. The Respondent states that the suit property has been used for common purposes and activities, and the Petitioners are attempting to convert the same into their exclusive domain, contrary to the original intention and object under which the property was acquired. The allegations that the Respondent has no right or locus standi are specifically denied.

4.9 The Respondent further submits that the present Petition is not maintainable either in law or on facts. The Petitioners have failed to disclose a clear and sustainable cause of action. The relief sought is misconceived and liable to be rejected. The Respondent craves leave of this Court to raise additional grounds and produce necessary documents at the time of trial. Therefore, it is respectfully prayed that this Court may be pleased to dismiss the Petition with exemplary costs and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

4.10 The core issue relating to consideration in the present matter concerns the source of funds for the purchase of the suit property, construction of the Model Tailoring Unit, installation of machinery, and the legal authority to administer or alienate the same. The Petitioners/Defendants contend that the property belongs absolutely to the Rural Development Trust and that by virtue of the Principal Trust Deed dated

05.11.1999 (Ex.P-2) and subsequent Supplemental Trust Deeds (Ex.P-4 and Ex.P-5), along with the Power of Attorney dated 24.09.2013 (Ex.P-1), they are lawfully empowered to manage and even sell the property. However, the Respondent/Plaintiff disputes this and asserts that the entire consideration for acquisition and development of the trust property flowed exclusively from the collective earnings and savings of the tailoring workers, and not from the personal funds of any trustee.

4.11 The Petitioners rely upon Ex.P-2, the Principal Trust Deed dated 05.11.1999 (Doc.No.1635/1999), to show the lawful creation of the Rural Development Trust. While this document establishes the formation of the trust, it does not, by itself, disclose that the founders or subsequent trustees infused personal funds as consideration for acquisition of property. The deed only sets out the objects and framework of the trust. The absence of specific recital regarding capital contribution by the founders becomes significant when the Respondent contends that the trust was formed primarily for the benefit of rural workers and that the workers themselves mobilized the funds.

4.12 Ex.P-3, the Sale Deed dated 20.12.2000 (Doc.No.1605/2000), shows that the landed property measuring 2.85 acres in Survey No.90 at Vepanganery Village was purchased in the name of the Rural Development Trust. However, the sale deed must be scrutinized to determine from whom the consideration proceeded. If the recitals do not specify payment by Petitioners 1 to 4 personally, but merely state that the Trust paid the consideration, the natural question arises as to the source of the Trust's funds. The

Respondent asserts that the sale consideration was paid from the accumulated savings of the tailoring workers who had been manufacturing garments since 1985 under the aegis of Bishopston Kuppam Link and Bishopston Trading Company.

4.13 The Respondent relies upon Ex.R-25 (Letter dated 10.09.1992 regarding gift of machineries), Ex.R-26 (VAO Certificate evidencing possession and enjoyment from 2006 onwards), Ex.R-28 (Electricity Board receipts paid by labourers), and Ex.R-41 (Tax receipts) to demonstrate that the workers not only financed the construction and installation of machinery but also continuously maintained and operated the unit at their own cost. These documents, if proved, indicate that the beneficial interest and financial burden were borne by the workers, and that trustees acted only in a fiduciary capacity without contributing personal monetary consideration.

4.14 The Petitioners further rely on Ex.P-4 (Supplemental Trust Deed dated 20.07.2011) and Ex.P-5 (Supplemental Trust Deed dated 30.08.2013) to show lawful induction of new trustees and conferment of power, including authority to rename the trust and sell property. However, if the original trust deed contains restrictive clauses prohibiting alienation of trust property without court sanction or contrary to charitable objects, any supplemental deed enlarging such power must be examined carefully. If no fresh consideration moved from the newly inducted trustees for vesting ownership in them, the transfer of authority may be questioned as being without legal foundation.

4.15 Ex.P-1, the Power of Attorney dated 24.09.2013, adjudicated before the District Registrar, Vellore, is relied upon to establish representative capacity of Petitioners 3 and 4. However, a Power of Attorney does not by itself create ownership or confer beneficial interest; it merely authorizes representation. Unless it is supported by independent consideration or is within the powers permitted by the trust deed, it cannot override fiduciary obligations. The Respondent challenges the validity of this document, contending that it is not executed by the Trust as a legal entity, but only by individuals, and therefore does not establish transfer of ownership rights over trust property.

4.16 The controversy regarding Patta further illuminates the question of consideration. Ex.R-34 shows Patta No.185 standing in the name of Rural Development Trust. Ex.R-45 shows Patta No.631 changed into the personal names of Ravi and Nirmala. The subsequent cancellation proceedings before the Revenue Divisional Officer and District Revenue Officer, evidenced by Ex.R-51 and Ex.R-52, resulted in restoration of patta to the Trust. If the trustees had truly purchased the property with their own funds, such reversion would not ordinarily occur. The cancellation suggests that revenue authorities found no valid consideration or lawful basis for personal transfer.

4.17 The Respondent further relies upon Ex.R-38 to Ex.R-40 relating to Trust O.P.No.1/2012 before the Principal District Judge, Vellore, wherein permission was sought to sell the property but later withdrawn as “Not Pressed.” This conduct indicates

that trustees themselves recognized the necessity of court approval for alienation, consistent with the principle that charitable trust property cannot be sold without judicial sanction. The absence of such sanction and absence of consideration paid by trustees for acquiring beneficial ownership weigh against the Petitioners' claim.

4.18 The Respondent's case is that the Rural Development Trust is not a private revocable trust but a public charitable trust formed exclusively for providing employment to rural tailoring workers. If the trust is public in character, trustees cannot claim personal ownership merely by virtue of office. The principle under the Indian Trusts Act and general law of fiduciary obligations is that trustees hold property for the benefit of beneficiaries, and unless they have invested personal consideration and taken valid transfer, they cannot appropriate the property.

4.19 Therefore, the issue of consideration in the present case is not limited to contractual payment under the sale deed but extends to equitable and fiduciary dimensions. The documentary evidence from both sides reveals competing narratives: Petitioners rely on formal legal instruments (Ex.P-1 to Ex.P-7) to assert authority, whereas Respondent relies on financial contribution records, revenue proceedings, labour union recognition, and possession documents (Ex.R.series) to show that the real and substantial consideration for acquisition and development flowed from the workers. Ultimately, the determination of consideration will depend upon careful appreciation of the sale deed recitals, trust deed clauses, supplemental amendments, and continuous

financial records, which can only be conclusively resolved upon full-fledged trial and evidentiary scrutiny. Hence, this petition is dismissed. No costs.

-//Dictated by me to the Steno-typist, and directly typed by her in Computer, and after rectification taken print out and pronounced by me in the Open Court, on this the 11th Day of February – 2026.//-

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI

Petitioners side Exhibits:- (P.W.1)

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| Ex.P-1 | 24.09.2013 | Office copy of Power of Attorney. |
| Ex.P-2 | 05.11.1999 | Certified copy of Rural Development Trust deed as Doc.No.1635/1999 |
| Ex.P-3 | 20.12.2000 | Online copy of sale deed as Doc No.1605/2000 |
| Ex.P-4 | 20.07.2011 | Certified copy of Supplemental Trust deed as Doc.No.493/2011 |
| Ex.P-5 | 30.08.2013 | Certified copy of Supplemental Trust deed as Doc.No.1001/2013 |
| Ex.P-6 | 29.02.2016 | Letter of the District Registrar, Vellore |
| Ex.P-7 | 12.01.2009 | Original deed of leave and licence. |

Respondent side Exhibits:- (R.W.1)

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| Ex.R-1 | 14.12.2005 | Original Bishopston Kuppam Link Membership certificate. |
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| Ex.R-2 | - | Photograph with CD |
| Ex.R-3 | 11.09.1997 | Copy of appreciation letter. |
| Ex.R-4 | - | Copy of Authorization letter of the Bishopston Trading Company Labour Union |
| Ex.R-5 | 13.03.1999 | Copy of Chair person letter of the Bishopston Kuppam Link |
| Ex.R-6 | - | Copy of Appointment letter of BTC. |
| Ex.R-7 | 01.05.2013 | Copy of BTC labour union membership details. |
| Ex.R-8 | - | Copy of details of BTC labourer name, category of workers, PF, year of joining and length of service. |
| Ex.R-9 | - | Original Internet document published by Bishopston Kuppam Link. |
| Ex.R-10 | - | Original document published by Mr.Carolyn about Bisopston Kuppam Link in news letter. |
| Ex.R-11 | - | Attested copy of project funded by Bisopston Kuppam Link new letter. |
| Ex.R-12 | - | Attested copy of Besto Benefit for UK and K.V.Kuppam community |
| Ex.R-13 | 12.12.1989 | Original Sunday times, twin town awards 1989. |
| Ex.R-14 | - | Attested copy of Bishopston Trading Company established in the year 1985. |
| Ex.R-15 | - | Copy of Bishopston Trading Company registration details Vide:0236172/1989. |
| Ex.R-16 | - | Copy of BTC legal structure of company is limited by Guarantee. |
| Ex.R-17 | - | Copy of BTC fair trade 10 polices. |

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| Ex.R-18 | 13.03.1986 | Original Lord Mayor's parlour certificate. |
| Ex.R-19 | 03.06.1985 | Original UK evening post paper publication. |
| Ex.R-20 | - | Copy of workers cum partners of BTC have been working in partnership since 1985. |
| Ex.R-21 | - | Copy of BTC's source directory and service supply report. |
| Ex.R-22 | - | Copy of Mrs.Carolyn is the founder and director of BTC. |
| Ex.R-23 | - | Original Photos of BTC tailoring units. |
| Ex.R-24 | - | Copy of resolved copies to Mrs.Carolyn by BTC laborer. |
| Ex.R-25 | 10.09.1992 | Copy of letter "Gift of machinaries". |
| Ex.R-26 | - | Copy of possession and enjoyment of rural development trust property from 2006 to till date VAO certificate. |
| Ex.R-27 | 01.11.2017 | Copy of local panchayat president letter |
| Ex.R-28 | - | Copy of EB bills receipt paid by BTC labourer. |
| Ex.R-29 | 05.11.1999 | Copy of rural development trust deed vide Reg.no.1635/1999 |
| Ex.R-30 | - | Copy of "How BTC came about" by BTC Internet publicity. |
| Ex.R-31 | - | Copy of source directory supplier report. |
| Ex.R-32 | - | Copy of south indian rural development trust registration details 1082556/200 |
| Ex.R-33 | - | Copy of source directory suppliers report. |

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| Ex.R-34 | - | Copy of rural development trust property Patta as Patta No.185. |
| Ex.R-35 | 05.11.1999 | Copy of rural development trust principle trust deed as Doc.No.1635/1999 |
| Ex.R-36 | 19.09.2011 | Copy of Sub Registrar's reply for BTC labourer objection letter regarding trust property. |
| Ex.R-37 | 29.10.2011 | Copy of appeal internet letters to Mrs.Carolyn by BTC labourer regarding trust property. |
| Ex.R-38 | - | Copy of the permission petition filed to sell the property by S.R.Bhat, trust O.P.1/2012 at Principal District Judge, Vellore. |
| Ex.R-39 | - | Copy of court certificate document of BTC laour filed objectors objection in trust O.P.1/2012 at Principal District Judge, Vellore. |
| Ex.R-40 | 31.01.2013 | Court copy of decree in Trust O.P.1/2012, by the Principal District Judge, Vellore. |
| Ex.R-41 | - | Copy of the tax receipt |
| Ex.R-42 | - | Copy of the General power of attorney |
| Ex.R-43 | - | Copy of the supplemental trust deed |
| Ex.R-44 | - | Copy of the BTC Laborer various objection letter |
| Ex.R-45 | 11.02.2015 | Copy of the Patta as Patta No.631 |
| Ex.R-46 | 05.11.1999 | Copy of the trust deed |
| Ex.R-47 | 20.07.2011 | Copy of the supplemental deed |
| Ex.R-48 | - | Copy of the plaint in OS.No.207/2013 |
| Ex.R-49 | 18.02.2015 | Copy of the letter issued by TNEB |

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| Ex.R-50 | - | Case pending details in OS.No.207/2013 |
| Ex.R-51 | - | Copy of the appeal filed before the Revenue Divisional Officer, Vellore. |
| Ex.R-52 | 16.03.2015 | Copy of RDO appeal enquiry summon |

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI