

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 26TH DAY OF OCTOBER 2016

THE HON'BLE MR. JUSTICE M.JAICHANDREN

A.Nos.5441 to 5443 OF 2016

in

C.S. No.129 OF 1937

George VI by its Grace of God of Great Britain, Island and the British Dominions beyond he seas king defender of the fatih, Emperor of India.

Between:

1. Saduvala Kamaraswamiah, a teacher residing at No.3, Easwaradas Lala Street, Triplicane.
  2. K.Dharmalinga Devar, a Clerk in G.T.C.C.S.Ltd., 44 Krishnappa Naick Agraharam Street, Madras.
  3. N.Mallayya Devar, a retired maistry of M & S.M. Railway Workshop residing in Agaram near Perambur, Madras.
  4. G.Doraiswamy Devar, employed in the accountant General's Office residing at No.183, Mint Street, George Town, Madras.
  5. Katna Vythilingam Chetty a retired Clerk, residing at No.48, Permabalu Chetty Street, Old Washermanpet, Madras.
  6. Katna Chengalroya Chetty, a Typist, residing at No.62, Mulla Sahib Street, Sowcarpet, Madras.
- ... Plaintiffs

-Vs.-

1. Basava Sankarish,

Minor, represented by the Official Trustee of Madras as the guardian of His properties

2. Mallamma, Widow of Kalahastaya,  
residing at No.191, Govindappa Naick Street,  
George Town, Madras. ... Defendants

**A.No.5441 to 5443 of 2016:**

Official Trustee of Tamil Nadu,  
High Court Campus, Chennai - 600 104. ... Applicant.

**A.No.5441 of 2016:**

Application praying that this Hon'ble Court be pleased to grant permission to the Official Trustee of Tamil Nadu to carry out the repairs of the temple situated at New No.179 (Old No.1/44), Govindappa Naicken Street, George Town, Chennai-600 001 (approximately an extent of 1200 sq. ft.) from and out of the trust funds to the tune of Rs.3,60,356/- (Rupees Three lakh sixty thousand three hundred and fifty six only). ii) Cost of this application should come out of the funds of the estate.

**A.No.5442 of 2016:**

Application praying that this Hon'ble Court be pleased to direct the Manager of Madras Sri Veerabadhra Swami Temple to supervise the works and submit report regularly to the Official Trustee of Tamil Nadu. ii) Cost of this application should come out of the funds of the estate.

**A.No.5443 of 2016:**

Application praying that this Hon'ble Court be pleased to grant permission to Official Trustee of Tamil Nadu to release 50% of the estimated amount i.e. Rs.1,80,178/- (Rupees one lakh eighty thousand one hundred and seventy eight only) needed for renovation, at the initiation of the renovation work and the 25% of the estimated amount i.e Rs.90,089/- (Rupees Ninety thousand eighty nine only) on completion of half of the work and the 25% of the amount ie Rs.90,089/- (Rupees Ninty thousand and eighty nine only) shall be released on completion

of half the work and on submitting regular reports regarding the work done.

These applications coming on this day before this Court for hearing the court made the following order:

1 Application No.5441 of 2016 has been filed by the Official Trustee, seeking permission to carry out the repairs of the temple, situated at New No.179 (Old No.1/44), Govindappa Naicken Street, George Town, Chennai-600 001, to an extent of 1200 sq.ft., (approximately), from and out of the trust funds, to the tune of Rs.3,60,356/-.

2 Application No.5442 of 2016 has been filed, seeking a direction to the Manager of Madras Sri Veerabadhra Swami Temple to supervise the works and to submit the report, regularly, to the Official Trustee.

3 Application No.5443 of 2016 has been filed, seeking permission to the Official Trustee to release 50% of the estimated amount, i.e., Rs.1,80,178/-, for renovation, at the initiation of the renovation work and 25% of the estimated amount, i.e., Rs.90,089/-, on completion of half of the work and the remaining 25% of the estimated amount, i.e., Rs.90,089/-, on completion of the entire work, on submitting the regular reports regarding the work done.

4 Heard the learned Official Trustee of Tamil Nadu and perused the records available before this Court.

stating that Sri Bhadrakalisametha Sri Veerabadhraswami Temple, situated at the above said address, and the properties of the said temple are being administered by the Official Trustee, as per the scheme decree, dated 4.3.1940, made in C.S.No.129 of 1937. The Honorary Manager of the said temple had sent a letter, dated 24.10.2014, to the Official Trustee, stating that the temple should be renovated in order to stop the rain water from entering into the temple, during the rainy days. An Assistant Engineer, attached to the Office of the Official Trustee, had been deputed to inspect the property in question. After the inspection, the Assistant Engineer had submitted a report, stating that the temple is more than 100 years old and repair works have to be carried out.

6 The Official Trustee had submitted that Kumbabhishekam was performed, earlier, on 9.6.1978 and thereafter, no renovation or repair had been carried out. Therefore, the Official Trustee had submitted that repair works have to be carried out for the upkeep of the temple. Further, the scheme decree provides that the income can be utilized for the benefit of the temple. As such, the above applications have been filed by the Official Trustee, seeking permission, as aforestated.

7 This Court had perused the report filed by the Official Trustee and the materials placed in support of the same. In view of the reasons stated in the report filed by the Official Trustee, this Court is inclined to allow all the applications.

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sd/ .M.J.J

26.10.2016

//Certified to be a true copy//

R.s/28.01.2017

COURT OFFICER