

Application No.5850 of 2019
in
C.S.No.90 of 1963

S.MANIKUMAR, J.

Instant application is filed by Mr.S.V.R.Ramprasad, Co-Trustee of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate, seeking for an order, granting permission to learned Administrator General and Official Trustee, for payment of Rs.2,00,000/-, favouring Sri Kulachirai Nayanar Arakattalai, A/c.No.6195445375, Indian Bank, Manamelkudi Branch, Pudukotai District from and out of the funds of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate.

2. Mr.R.Chakravarthy, learned counsel for the applicant submitted that Rajah Sir Ramaswamy Mudaliar is the great grandfather of the applicant and in the year 1898, he constructed a choultry and feeding house, for the convenience of Railway passengers at No.3, E.V.R.Periyar High Road, Park Town, Chennai-600 003, opposite to Central Railway Station, with an object of giving free shelter and food for those who often come

by rail to Madras, who have no homes or friends to put up with and was running the choultry as long as he was alive and subsequently was managed by the ancestors of the applicant.

3. Learned counsel for the applicant further submitted that Rajah Sir Ramaswamy Mudaliar executed a Will dated 28.01.1908, which subsequently came into force. Mr.S.V.Ramkrishnan Mudaliar, grandson of Rajah Sir Ramaswamy Mudaliar and father of applicant herein, was managing the Trust from 1940 onwards. Subsequently, a suit in C.S.No.90 of 1963, was filed by the then learned Advocate General and a Scheme Decree was framed vide judgement dated 18.08.1970. The said judgement was confirmed by a Hon'ble Division Bench of this Court in O.S.A.No.55 of 1970, dated 14.06.1971 and thereafter administration of the Trust was vested with the learned Official Trustee of Tamil Nadu and the learned Official Trustee is carrying on the administration in pursuance of the Scheme Decree.

4. Learned counsel for the applicant further submitted that the applicant was appointed as a Co-Trustee of Rajah Sir

Ramaswamy Mudaliar Choultry Trust Estate vide judgement dated 05.06.2000, in O.S.A.Nos.66 & 67 of 2000 and vide proceedings in ROC.No.1684/2000/OT/HC, dated 06.09.2000, by the learned Official Trustee and functioning with the learned Official Trustee with powers as mentioned in the judgement in O.S.A.No.55 of 1970.

5. Learned counsel for the applicant further submitted that as co-trustee, the applicant took steps to streamline the Trust income from various tenants, took steps to appoint Gurukul to the choultry temple, conducted founder's day celebration every year on 13th October at choultry premises with poor feeding and performed other charities regularly.

6. Learned counsel for the applicant further submitted that the President of Sri Kulachiarai Nayanar Arakattalai Trust at Arulmighu Jagadeswarar Temple, Manamelkudi Post, Pudukotai District, Pin code -614 620, made a request to the Trust for grant of funds towards feeding expenses on the estimate of Rs.3,00,000/- towards feeding (Anna Dhanam) to nearly

thousands of devotees, pilgrims and general public on the occasion of Sri Kulachiarai Nayanar Guru Pooja day which falls on 15.09.2018. Sri Kulachirai Nayanar is one among the 63 Nayanmars (Saint) mentioned in the Peria Puranam was born and established a Temple to Lord Jagadeswarar at Mananelkudi. He was the Minister of Pandya Kingdom and due to the staunch devotion and conviction of Pandya Queen and Sri Kulachirai Nayanar, Saivism gained its lost glory and restored back.

7. Learned counsel for the applicant further submitted that the whole programme is being organised by Sri Kulachiarai Nayanar Arakattalai Trust only through donations and is conducted only for spreading happiness and harmony among human beings and for conducting discourses about the life history of Sri Kulachirai Nayanmar, by eminent religious scholars etc., and with Anna Dhanam, it is also expected that people from nearby villages will gather on the occasion and will be benefited on the occasion.

8. Learned counsel for the applicant further submitted that the Trust has also granted funds to various temple

kumbabisekams and religious functions, which are similar to the present application, apart from other charities after getting appropriate orders, from this Court. The Trust also participated in the national disasters and natural calamity by donating funds.

9. Learned counsel for the applicant further submitted that on previous occasion, he filed Application No.6784 of 2018 seeking Rs.2,00,000/- towards Sri Kulachiarai Nayanar Guru Pooja Anna Dhanam and this Court vide order dated 07.09.2018 ordered the application as prayed for and granted permission to the learned Official Trustee to release a sum of Rs.2,00,000/- for the above said purpose.

10. Learned counsel for the applicant further submitted that the applicant / co-trustee and other family members of the Founder wish and wanted the Trust to participate like in the last year, in the above Sri Kulachiarai Nayanar Guru Pooja by donating funds. In this regard, the applicant also gave a representation along with a request letter to the learned Official Trustee.

11. In these circumstances, learned counsel for the applicant has prayed for an order granting permission to the learned Administrator General and Official Trustee for payment of Rs.2,00,000/-, favouring Sri Kulachirai Nayanar Arakattalai, A/c.No.6195445375, Indian Bank, Manamelkudi Branch, IFSC: IDIB000M012, Pudukotai District, from and out of the funds of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate.

12. Learned Official Trustee has filed a Report dated 21.08.2019, which is extracted hereunder:

"1. The Official Trustee humbly submits that the administration of "The Rajah Sir Ramaswami Mudaliar's Choultry" and its allied endowments is governed by a decree dated 18.08.1970 of this Hon'ble Court in C.S.No.90 of 1963 and the management of the Choultry and its allied charities has been vested with the Official Trustee of Tamil Nadu.

(Copy of the Scheme Decree is as Doc.No.1 in Typed Set).

2. The Official Trustee humbly submits that the main objectives found in the will are

as follows:-

i) To provide accommodation to any traveler, who arrives at Madras, with no income, relations and friends to host them and,

ii) To provide food daily to 100 destitute persons/poor at the Choultry situated opposite to Central Railway Station, Chennai.

(Copy of the Will is as Doc.No.2 in Typed Set).

3. The Official Trustee further submits that the applicant was recognized as a co-trustee vide the order dated 05.06.2000 passed in OSA No.66 and 67 of 2000. The Official Trustee submits that letters dated 05.07.2019 were received from Tr.P.Ganesan and Tr.K.Ponnusamy with a request to grant donation towards feeding expenses on an estimate of Rs.5,00,00/-(Five Lakhs only) on the occasion of Sri Kulachirai Nayanar Guru Pooja day which falls on 05.09.2019. The letter dated 01.08.2019 also received from Co-trustee stating for the same request.

(Copy of the letters received from Tr. L.Ganesan and Tr.K.Ponnusamy both dated 05.07.2019 and Co-Trustee dated 01.08.2019

are as Doc.Nos.3, 4 & 5 in Typed Set).

4. The Official Trustee further submits that the payment of Rs.2,00,000/- for the occasion of Sri Kulachirai Nayanar Guru Pooja festival on last year was ordered by the Hon'ble High Court vide order dated 07.09.2018 in A.No.6784 of 2018 in C.S.No.90 of 1963.

(Copy of the order dated 07.09.2018 is as Doc.No.6 in Typed Set).

5. The Official Trustee further submits that the office of the Administrator General and Official Trustee of Tamil Nadu had made contributions from the funds of the Trust Estate of RSRM as per the orders of the Hon'ble High Court by invoking the principle of "Doctrine of Cypress" the details of which are as follows:- सत्यमेव जयते

Sl. No.	A.No.	Order Date	Application by	Amount Order	Contribution towards
1	A.No.567/2012 & A.No.568/2012	10.02.2012	Official Trustee	10,00,000	Thane cyclone relief towards Tamilnadu & Pondicherry.
2	A.3736/2013	06.09.2013	Tr.S.V.R.Ramp rasad	10,00,000	Towards Uttharkhand Tragedy relief fund.
3	A.7966/2015 & A.7967/2015	11.12.2015	Official Trustee	10,00,000	Vardha Relief towards Tamilnadu and Pondicherry.

Sl. No.	A.No.	Order Date	Application by	Amount Order	Contribution towards
4	A.5222/2016	06.10.2016	Official Trustee	12,90,000	Purchasing the breast pump and other accessories for RSRM Hospital.

6. The Official Trustee further submits that as per the records in the Office of the Administrator General and Official Trustee of Tamil Nadu the funds position of the trust as on 16.08.2019 is as follows:-

Total Fixed Deposit Receipts as on 16.08.2019	Rs.4,12,17,052.00
LESS Corpus amount	(-) Rs. 37,186.00

	Rs. 4,11,79,866.00
Cash on Hand	(+) Rs. 3,55,194.00

Funds Position as on date 16.08.2019	Rs. 4,15,35,060.00

(Copy of the details of Funds Position as per Ledger maintained in this office as Document No.7 in Typed Set)

WEB COPY

7.Details of payments made during the years 2018 and 2019 are as follows:

Payments made during the year 2018

are as follows:

1	Beneficiary payments made to 9 institutions.	Rs.1,09,050/-
2	Salary payment for the 1 staff of the Estate	Rs.3,00,401/-
3	Poor feeding conducted during the Birth Anniversary of Rajah Sir Ramaswamy Mudaliar	Rs.5,15,892/-
	Total	Rs.9,25,343/-

Payments made during the year 2019 are as follows:

1	Beneficiary payments made to 9 institutions.	Rs.1,09,050/-
2	Salary payment for the 1 staff of the Estate	Rs.1,93,382/-
	Total	Rs.3,02,432/-

8. The Official Trustee further humbly submits that in case, this Hon'ble Court allows the application, the applicant may be directed to produce necessary vouchers and receipts of expenditure incurred for the above purpose, to the Official Trustee after the completion of the function.

9. The Official Trustee, therefore, humbly submits and prays that this Hon'ble Court may be pleased to pass suitable orders that deem fit and proper in the best interest of the trust and in the circumstances of the case and thus render justice."

13. Learned Administrative General and Official Trustee of Tamil Nadu submitted that funds position of the Estate of Rajah Sir Ramaswamy Mudaliar Choultry Trust as on 16.08.2019 is Rs.4,15,35,060/- which is sufficient to meet out the purpose of the scheme decree and therefore the request of the applicant can be positively considered.

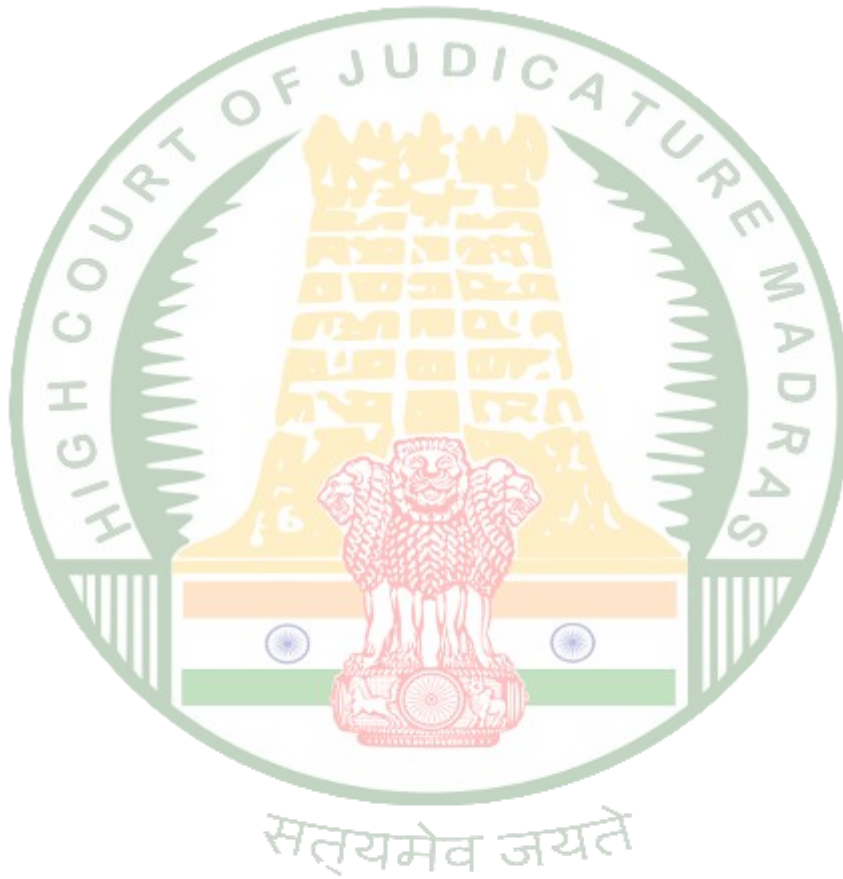
14. Heard the learned counsel for the applicant, learned Official Trustee and perused the material on record.

15. Considering the submissions made by the parties that in similar circumstances, this Court has already allowed applications of similar nature, on earlier occasions and taking into consideration the funds position of the Trust and the charitable services rendered by the applicant/Co-Trustee, learned Official Trustee is directed to make payment of Rs.2,00,000/- (Rupees two lakhs only), favouring Sri Kulachirai Nayanar Arakattalai, A/c.No.6195445375, Indian Bank, Manamelkudi Branch, IFSC: IDIB000M012, Pudukotai District, from and out of the funds of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate and maintain proper account.

16. In the result, the application stands allowed.

30.08.2019

kk



WEB COPY

A.No.5850 of 2019

S.MANIKUMAR, J.

kk



Appln.No.5850 of 2019
in C.S.No.90 of 1963

WEB COPY

30.08.2019