

Application No.6742 of 2019**in****C.S.No.90 of 1963****S.MANIKUMAR, J.**

Instant application has been filed by a Co-Trustee of Rajah Sir Ramaswamy Mudlair Choultry Trust Estate, seeking permission to the learned Administrator General and the Official Trustee of Tamil Nadu, to pay Rs.2,70,000/- (Two Lakhs Seventy Thousands only), to Bala Vihar Training School (A Unit of Guild of Service-Central), No.10, Halls Road, Kilpauk, Chennai 600 010, from and out of the funds of the abovesaid Estate.

2. It is the case of the applicant that Rajah Sir Ramaswamy Mudliar, his great grandfather, constructed the Choultry 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. In 1898, Rajah Sir Ramasamy Mudlair, himself put up the Choultry and feeding house with an object of giving free food and shelter to those who come often by rail to Madras and who have no homes or friends to put up with. His great grandfather was running the Choultry, all along, while he was alive and subsequently, managed by the applicant's ancestors.

3. According to the applicant, Rajah Sir Ramaswamy Mudliar, also executed a Will, dated 28.01.1908, which subsequently came into force wherein provisions were made in respect of running of Administration of the Trust. Grandson of Rajah Sir Ramaswamy Mudaliar, viz., S.V.Ramkrishnan Mudaliar, father of the applicant, was Managing the Trust, from 1940 onwards. Subsequently, a suit in C.S.No.90 of 1963 was filed by the then Advocate General of Tamil Nadu and a Scheme Decree was framed by Judgement, dated 18.08.1970. The said Judgement was confirmed by a Division Bench of this Court, in O.S.A.No.55 of 1970, dated 14.06.1971. As per the Scheme Decree, dated 18.08.1970, administration of the Trust is vested with the Official Trustee of Tamil Nadu, who is carrying on the administration.

4. Applicant is a Co-Trustee of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate, appointed by this Court, as per the judgement, dated 05.06.2000, in O.S.A.Nos.66 and 67 of 2000, dated 05.06.2000 and as per the proceedings in ROC.No.1684/2000/OT/HC, dated 06.09.2000, of the learned Administer General and the Official Trustee. After

appointment as a Co-trustee, the applicant has taken steps to streamline the Trust income from various tenants, taken steps to appoint Gurukul to the Choultry Temple, to conduct founder's day celebrations every year on the 13th October at the Choultry premises, with feeding to the poor and to perform the other charities regularly.

5. It is the further case of the applicant that when the Choultry and its lands were taken over by CMRL, under the proceedings of Chennai District Collector in No.J1/45223/2009, dated 01.08.2013, which was confirmed by this Court, he approached M/s.Bala Vihar School, No 10, Halls Road, Kilpauk, Chennai 600 010, to whom, the trust used to donate uniforms and other educational materials etc., every year, readily agreed and granted permission to the above Trust to celebrate the founders day and accordingly, for the past 4 years, from the year 2014 onwards, founders' day were organized at the premises free of cost.

6. Applicant has further submitted that member of GOS & BVTS Mrs.Kavitha Madhu and Dr.D.Vijayalaksmi, Principal of Bala Vihar Training School (A Unit of Guild of Service-Central), No 10 Halls Road, Kilpauk,

Chennai 600 010, vide letter dated 16.08.2019, made a request to the Trust, to grant Rs.2,70,000/- to five under privileged students, who are undergoing training in their School. The whole Diploma Course D.Ed SE (MR) i.e., Teacher Training in Special Education, conducted by M/s.Bala Vihar Training School, is a 2 years programme and the fee Structure is Rs 54,000/- each, for five students, it comes to Rs.2,70,000/-. The course will facilitate the students, future career, their livelihood, getting placement in special Schools and their education, would help the special children, in their family and community.

7. According to the applicant, the above Trust has also granted Rs.2,70,000/- scholarship to 5 students to the same school last year vide A.No.1131 of 2018, dated 21.02.2018 and is also granting funds to various schools and orphanages every year, around Rs.1,09,050/- regularly. The Trust also invites several schools and orphanages in and around Chennai City, during October every year, on the occasion of the founders' day function, donate uniforms, dress materials and other educational materials. Apart from the above, the Trust has also participated, whenever there is National disaster and other natural calamity, by

donating funds, viz.,

(i) Gujarat Earthquake relief during 2001, granted Rs.5 Lakhs
[A.No.628/2001, dated 09.02.2001]

(ii) Tamil Nadu Tsunami relief in 2004, granted Rs.5 Lakhs.

(iii) Tamil Nadu flood relief during 2005, granted Rs.5 lakhs [A.No
5214/2005, dated 05.12.2005]

(iv) Thane Cyclone relief during 2012, granted Rs.10 lakhs
[A.Nos.567 and 568 of 2012, dated 10.02.2012]

(v) Himalyan tragedy Relief during 2013, granted fund Rs.10 Lakhs
[A.No.3736/2013, dated 06/09/2013]

(vi) Tamil Nadu Vardha Cyclone relief during 2015, granted Rs.7
Lakhs to Tamil Nadu and Rs.3 Lakhs to Pondicherry [A.Nos.7966 and
7967/2015, dated 11.12.2015]

(vii) Rs.12.9 Lakhs was granted to Founder's RSRM Hospital at
Royapuram towards Medical equipments [A.No.5222/2016, dated
06.10.2016]

(viii) Rs.5 lakh and odd was sanctioned for 177th Founders day
Celebration [A.No.6064/2017, dated 05.10.2017]

Apart from the above, the Trust has also donated funds to various

religious intuitions on the occasions of Kumbabisekam and Nayanmargal Guru Pooja Annadhanams.

8. Applicant has further submitted that as a Co-trustee and other family members of the founder, were of the view that feeding them with food, which will last for 4 hours and if once fed with education, one can sustain 40 years of his own. As a family member of the founder, the applicant wanted the Trust to participate in the above sponsorship programme by donating funds for education. He also gave a representation, along with request letter by the Bala Vihar School Management on 16th August, 2019 to the learned Administer General and the Official Trustee to take necessary steps. Further, the trust has enough fund approximately Rs.4 Crores, as corpus (Fixed Deposits) and Rs.24 lakhs (approximate) generated, by way of Interest on the fixed deposits, every year and that the noble objects of the founder, can be achieved by utilising the fund for education. Further, as per the prevailing Income Tax Rules, 90% of the income should be spent on charities, otherwise unspent amount on charity will attract taxation. Hence, he prayed for a direction, as stated supra.

9. Learned Administrator General and Official Trustee of Tamil Nadu has filed a detailed report and contended 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 Court in C.S.No.90 of 1963 and the management of the Choultry and its allied charities have been vested with the Official Trustee of Tamil Nadu. The main objectives found in the Will are as follows:-

- (i) To provide accommodation to any traveller 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.

10. Learned Official Trustee has further submitted that the applicant was recognized as a co-trustee, vide the order, dated 05.06.2000, passed in O.S.A.Nos.66 and 67 of 2000. Request for sponsorship, vide letter dated 16.08.2019, were received from Bala Vihar Training School, to grant donation to meet the educational needs of the under privileged students of Bala Vihar Training School with an estimate of Rs.2,70,000/-. In this regard, a letter, dated 09.09.2019, was received

from the co-trustee, requesting the office of the Administrator General and Official Trustee of Tamil Nadu to consider the request of the Management of Bala Vihar Training School.

11. Learned Official Trustee further submitted that the office of the Administrator General and Official Trustee of Tamil Nadu, made contributions from the funds of the Trust Estate of RSRM, as per the orders of this Court, by invoking the principle of “Doctrine of Cypress”. Details are as follows:-

Sl. No.	A.No.	Order Date	Application by	Amount Order	Contribution towards
1.	A.Nos.567 & 568/12	10.02.2012	Official Trustee	10,00,000/-	Thane cyclone relief towards Tamilnadu & Pondicherry.
2.	A.3736/13	06.09.2013	Tr.S.V.R.Ramprasad	10,00,000/-	Towards Uttharkhand tragedy relief fund.
3.	A.7966 & 7967/15	11.12.2015	Official Trustee	10,00,000/-	Vardha Cyclone relief towards Tamilnadu and Pondicherry.
4.	A.5222/16	06.10.2016	Official Trustee	12,90,000/-	Purchasing the breast pump and other accessories for RSRM Hospital.
5.	A.1131/18	21.02.2018	Tr.S.V.R.Ramprasad	2,70,000/-	Donation to Bala Vihar students.
6.	A.5850/19	30.08.2019	Tr.S.V.R.Ramprasad	2,00,000/-	Donation to Kulachirai Nayanar Arakkattalai.
7.	A.6605&66 06 / 19	09.09.2019	Official Trustee	14,03,360/-	Purchasing the Ventilator and Portable Ventilator for RSRM Hospital.

12. learned Official Trustee has further submitted that as as on

09.09.2019, the Trust Estate is having a sum of Rs.4,15,93,509 /-(Rupees Four Crore fifteen lakhs ninety three thousand five hundred and nine only).

Total Fixed Deposit Receipts as on 09.09.2019		Rs.4,12,17,052.00
LESS: Corpus amount	(-)	Rs. 37,816.00

		Rs.4,11,79,866.00
Cash on Hand as on 09.09.2019	(+)	Rs. 4,13,643.51

Funds Position as on date 09.09.2019		Rs.4,15,93,509.51

13. Learned Official Trustee has also given the details of the payments, made during the years 2018 and 2019, which are extracted hereunder:

Payments made during the year 2018 are as follows:

1.	Beneficiary payments made to 9 institutions.	Rs.1,09,050/-
2.	Salary payment for 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/-
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2.	Salary payment for 1 staff of the estate	Rs.3,55,841/-
	Total	Rs.4,64,891/-

14. Therefore, learned Official Trustee has prayed this Court to pass suitable orders, that deem fit and proper in the best interest of the Trust and in case, if this Court allows this application, the applicant may be directed to produce necessary vouchers and receipts of expenditure incurred for the above purpose.

15. Heard Mr.R.Chakravarthy, learned counsel appearing for the applicant and the learned Administrator General and Official Trustee of Tamil Nadu assisted by learned Deputy Administrator General and Official Trustee of Tamil Nadu as well as perused the materials available on record.

16. Object of the applicant to provide funds for educational purpose, is appreciable. Taking note of the report of the learned Official Trustee of the Tamil Nadu, dated 10.09.2019 and on the facts and circumstances of the case, this Court permits the learned Administrator General and the Official Trustee of Tamil Nadu, to pay a sum of

Rs.2,70,000/- (Two Lakhs Seventy Thousands only), to Bala Vihar Training School (A Unit of Guild of Service-Central), No.10, Halls Road, Kilpauk, Chennai 600 010, from and out of the funds of the abovesaid Estate, for the purpose of education to five poor students. This petition is ordered accordingly.

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10.09.2019



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S. MANIKUMAR, J.

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in C.S.No.90 of 1963

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