

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application No.1369 of 2020

Administrator General and
Official Trustee of Tamil Nadu,
High Court Campus,
Chennai – 600 104.

... Applicant

Prayer: Application filed under Ordinary Original Civil Jurisdiction seeking permission to the Administrator General and Official Trustee to donate a sum of Rs.1,06,38,338/- (Rupees One Crore Six Lakhs Thirty Eight Thousand Three Hundred and Thirty Eight only) to the Cancer Institute (WIA) Regional Centre, Adyar, Chennai – 20, from the accumulation funds from FY 2015-2016 from the Trust Estates mentioned in para 6 table list of this application.

For Applicant : Mr.P.Murugan,
AG & OT

ORDER

This application has been filed seeking permission to the Administrator General and Official Trustee to donate a sum of Rs.1,06,38,338/- (Rupees One

Crore Six Lakhs Thirty Eight Thousand Three Hundred and Thirty Eight only) to the Cancer Institute (WIA) Regional Centre, Adyar, Chennai – 20, from the accumulation funds for the FY 2015-2016 from the Trust Estates mentioned in para 6 table list of this application.

2. Mr.P.Murugan, learned Administrator General and Official Trustee of Tamil Nadu, submitted a report dated 03.06.2020 giving particulars regarding accumulation of funds for the FY 2015-16. Relying on the said report, learned Administrator General and Official Trustee submits that accumulation of funds for the FY 2015-16 is Rs.2,07,24,977/- (Rupees Two Crores Seven Lakhs Twenty Four Thousand Nine Hundred and Seventy Seven only) and the same has to be spent on or before FY 2020-2021. The demands from the Income Tax Department for the past years would be paid after getting opinion from the Auditors. An application was filed on 02.06.2020 before this Court seeking permission to donate a sum of Rs.1,00,86,639/- (Rupees One Crore Eighty Six Thousand Six Hundred and Thirty Nine only) to the Tamil Nadu Chief Minister's Public Relief Fund for COVID-19 Relief Works and the same is pending consideration. After deducting such amount, a sum of Rs.1,06,38,338/- is available. In the given

circumstance, a letter was received from the Chairman, Cancer Institute (WIA), Regional Cancer Centre, Adayar, Chennai – 20, requesting financial assistance to meet out their financial exigencies during COVID-19 lockdown. The Cancer Institute is a voluntary charitable institution with service ethos committed to care the underprivileged cancer patients for more than six decades of service. Learned Administrator General and Official Trustee submits that by way contributing to the Cancer Institute, the object of the Trust can be achieved i.e. Poor feeding. There is a clause for doing charities to the poor people. The objects of the charities may be expanded to include within its ambit to donate funds for COVID-19 Pandemic which is useful for the needy poor people by invoking the 'doctrine of cypress'. The office of AG & OT may also be joined with the hands of helpers i.e. The Cancer Institute, Adyar, Chennai – 20 to help the needy people.

3. The Administrator General & Official Trustee further submits that the office of the AG & OT had made contributions in the recent past from the funds of the Trust Estates as per the orders of this Court and the details are as follows:

<i>Sl. No.</i>	<i>A.No.</i>	<i>Order Date</i>	<i>Amount (in Rs.)</i>	<i>Contribution towards</i>
1.	A.No.567/2012 &	10.02.2012	10,00,000/-	Thane cyclone relief towards

Sl. No.	A.No.	Order Date	Amount (in Rs.)	Contribution towards
	A.No.568/2012			Tamil Nadu & Pondicherry.
2.	A.No.3736/2013	06.09.2013	10,00,000/-	Towards Uttharkhand tragedy relief fund.
3.	A.No.7966/2015 & A.No.7967/2015	11.12.2015	10,00,000/-	Heavy rain flood relief towards Tamil Nadu and Pondicherry.

4. Submitting as above, learned Administrator General and Official Trustee seeks permission of this Court to donate the remaining accumulation of funds for the FY 2015-16 i.e. Rs.1,06,38,338/- to the Cancer Institute (WIA), Regional Cancer Centre, Adayar, Chennai – 20.

Taking into consideration the report dated 03.06.2020, this Court considers it appropriate to allow this application. Accordingly, this application is ordered as prayed for. The Administrator General and Official Trustee is permitted to donate a sum of Rs.1,06,38,338/- (Rupees One Crore Six Lakhs Thirty Eight Thousand Three Hundred and Thirty Eight only) to the Cancer Institute (WIA) Regional

Centre, Adyar, Chennai – 20, from the accumulation funds for the FY 2015-2016 from the Trust Estates.

15.06.2020

gm

Internet: Yes

R.SUBBIAH, J

gm



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