

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1401 and 1403 of 2020 in C.S.No.15 of 1967

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

.. Applicant in both the applications

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913, and Appln.No.1402 of 2020 in C.S.No.15 of 1967 (in the matter of the Estate of Hajee Mirza Mehdi Isphani Charities) is filed praying to permit the Official Trustee of Tamil Nadu to effect paper publication in "The Hindu" (Chennai Edition), inviting applications with documentary proof for appointment of 3 eligible persons, one from the descendants of Humayun Sultan, second from the descendants of Rokia Sultan and third from respectable Shia Muslim, so as to continue Advisory Board of Hajee Mirza Mehdi Ispahani Charities, Scheme Decree dated 21.02.1972, so as to reach the Office of the Official Trustee of Tamil Nadu.

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913, and Appln.No.1403 of 2020 in C.S.No.15 of 1967 filed praying to permit the Official Trustee of Tamil Nadu to meet out the expenditure for effecting paper publication from and out of the funds of the Trust Estate M.M.Ispahani.

For applicant in both the applications: Mr.P.Murugan, A.G. & O.T.

COMMON ORDER

Appln.No.1402 of 2020 in C.S.No.15 of 1967 (in the matter of the Estate of Hajee Mirza Mehdi Ispahani Charities) is filed praying to permit the Official Trustee of Tamil Nadu to effect paper publication in "The Hindu" (Chennai Edition), inviting applications with documentary proof for appointment of 3 eligible persons, one from the descendants of Humayun Sultan, second from the descendants of Rokia Sultan and third from respectable Shia Muslim, so as to continue Advisory Board of Hajee Mirza Mehdi Ispahani Charities, Scheme Decree dated 21.02.1972, so as to reach the Office of the Official Trustee of Tamil Nadu.

2. Appln.No.1403 of 2020 in C.S.No.15 of 1967 filed praying to permit the Official Trustee of Tamil Nadu to meet out the expenditure for

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effecting paper publication from and out of the funds of the Trust Estate M.M.Ispahani.

3. The learned Official Trustee of Tamil Nadu has filed a report, dated 17.06.2020 stating as follows:

(a) The administration of "Hajee Mehdi Ispahani Charities" is governed by a Scheme Decree dated 21.02.1972 in C.S.No.15 of 1967 on the file of this Court. The Official Trustee of Tamil Nadu is the custodian of the properties and as such the Office of the Administrator General and Official Trustee (A.G & O.T) of Tamil Nadu is administering the Trust Estate of MM Ispahani as per the order of this Court.

(b) Clause 5 of Schedule B of the Scheme Decree dated 21.02.1972, directs that, there shall be an Advisory Board consisting of 3 members, two of them be appointed from the descendants of Humayun Sultan and Rokia Sultan, the daughter of the founder, and a third from among the respectable Shia Muslims. The members of the Advisory Board shall hold office for a period of three years. On the expiry of the term of the office of the Advisory Board, this Court on application by the Official Trustee or by any of the outgoing members, appoints three members to the Advisory Board. The outgoing members are however eligible for re-appointment. Clause 9 of the Scheme Decree dated 21.02.1972, enumerates performance of Charities by the Advisory Board.

(c) This Court, by its order dated 18.04.2018 in A.No.3421 of 2018 in C.S.No.15 of 1967 had appointed (1) Syed Mohammed Ispahani (2) Syed Ali Ispahani (3) Reza Khalili as members of the Advisory Board of Hajee Mirza Mehdi Ispahani Charities for a period of three years from 01.07.2017 to 30.06.2020.

(d) The three year tenure of the present members of the Advisory Board had to be expired on 30.06.2020. Therefore, it has now become necessary to appoint the members of the Advisory Board for a further term of three years commencing from 01.07.2020 to 30.06.2022. Therefore, the Official Trustee of Tamil Nadu may be permitted to effect paper publication in "THE HINDU" (Chennai Edition), inviting applications with documentary proof, and for appointment of three eligible persons, one from the descendants of Humayun Sultan and the other one from the descendants of Rokia Sultan, and the third one from respectable Shia Muslim, so as to continue the Advisory Board of Hajee Mirza Mehdi Ispahani Charities, for a period of 3 years from 01.07.2017 to 30.06.2020, as per the Scheme Decree dated 21.02.1972. The Official Trustee may also be permitted to submit such received applications for appointment of members of the Advisory Board before this Court.

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4.Hence, the above applications have been filed for the reliefs stated supra.

5. This Court heard the submissions made by the learned A.G .& O.T. and perused the materials available on record.

6. Taking into consideration the above report submitted by the learned A.G. & O.T., and on a perusal of the same, this Court accepts the said report and accordingly, both these applications are ordered as prayed for.

19.06.2020

Speaking Orders: Yes
rsh/cs

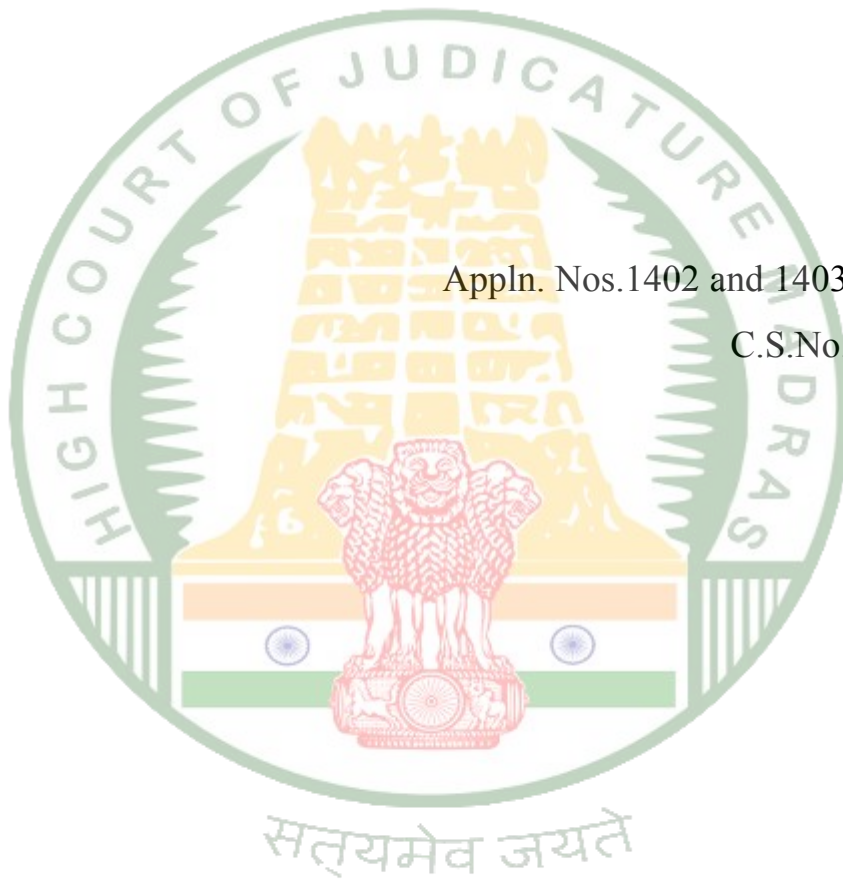
To
The Administrator General and Official Trustee of Tamil Nadu,
High Court,
Madras.

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A.Nos.1402 and 1403 of 2020 in C.S.No.15 of 1967

R.SUBBIAH, J

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Appln. Nos.1402 and 1403 of 2020 in
C.S.No.15 of 1967

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