

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1974 and 1975 of 2020

in

CS.No.15 of 1967

(Heard through video conferencing)

The 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 A.No.1974 of 2020 in CS.No.15 of 1967 is filed praying to permit the Official Trustee to utilize Rs.5,00,000/- (Rupees Five Lakhs only) from the accumulated funds of "MM Ispahani Trust" for purchasing a vehicle (Van) Maruti Suzuki EECO 5 STR AC BS-6 2020 from the lowest quotation of M/s Crescent Auto Repairs & Services India Private Limited, Chennai-18.

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustee's Act 11 of 1913 and

A.No.1975 of 2020 in CS.No.15 of 1967 is filed praying to permit the Official Trustee to donate the Maruti Suzuki Van EECO 5 STR AC BS-6 2020 to Agal Foundation Public Charitable Trust, No.74/55, South Mada Street, Thiruvanniyur, Chennai-600 041.

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

COMMON ORDER

A.No.1974 of 2020 in CS.No.15 of 1967 is filed praying to permit the Official Trustee to utilize Rs.5,00,000/- (Rupees Five Lakhs only) from the accumulated funds of “MM Ispahani Trust” for purchasing a vehicle (Van) Maruti Suzuki EECO 5 STR AC BS-6 2020 from the lowest quotation of M/s Crescent Auto Repairs & Services India Private Limited, Chennai-18

2. A.No.1975 of 2020 in CS.No.15 of 1967 is filed praying to permit the Official Trustee to donate the Maruti Suzuki Van EECO 5 STR AC BS-6 2020 to Agal Foundation Public Charitable Trust, No.74/55, South Mada Street, Thiruvanniyur, Chennai-600 041.

3. The learned A.G. & O.T. has filed a report, dated 08.09.2020, stating as follows:

i) 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 Hon’ble 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 of Tamil Nadu is administering the Trust Estate of MM Ispahani as per the order of the Hon’ble High Court.

ii) The object of the Trust Estate of M.M.Isphahani reveals that to spend the income realized from the properties of the charities for education and medical help of poor deserving Shia Muslims. The Schedule-B para 2 of the said Scheme Decree dated 21.02.1972 is as follows:

“2. The objects of the charities are to spend the income realised from the properties of the charities for purposes enumerated in Clause 8 of this scheme and for education and medical help of poor deserving Shia Muslims”.

iii) One Mr. S.M. Venkatesh @ S.M. Venkatesaperumal, founder of

Agal Foundation Public Charitable Trust, a NGO, has given a letter dated 02.09.2020 stating that he has been working for dying destitute, mentally ill, mentally retarded people roaming the street, old age people, disabled persons etc. He has started his voluntary service since 1995. So far he has rescued 2,000 plus human being from the roadside as an individual person and admitted those destitute in the home, orphanage etc. To do more services, he has started a NGO i.e. Agal Foundation Public Charitable Trust joining seven members to work on destitute, mentally ill, mentally retarded people etc.

iv) In the same letter he has further stated by picking the destitute people in the road side, most of the time he has faced and struggled for vehicles especially in the time of critical situation. Therefore, he requested the Official Trustee to support his NGO by providing any type of vehicle to pick up the destitute from the road side to orphanage home etc. to save the human life. He has also enclosed few photo clippings to know his service. His service has been appreciated not only the directorate of differently abled, the Government of Tamil Nadu, and also the District Collector, Chennai, Police Officials, Rotary club etc. An enquiry, it reveals that he has been doing this kind of service for the past 25 years with his own volition by sacrificing

his personal life at some extent. The appreciation certificates issued by various authorities disclose that the founder of Agal Foundation is a best person to meet destitute, mentally ill, mentally retarded etc. and to shift them from the road side to home.

v) He also enclosed the copy of trust deed of Agal Foundation. It has been started recently in June, 2020. He is the founder to the trust and there are 7 other members. His son Mr.V.Manorajan is also one of the trust members. To drive the vehicle, the founder Mr. Venkatesh applied driving license, as he stated, and it is pending for the issuance of driving license. His son has driving license and a copy of the same is enclosed along with the letter. From his interaction, he is going to start a home to safeguard the destitute once right time comes.

vi) From the documents submitted by Mr.Venkatesh and interaction with him, it reveals that his request to provide any four wheeler vehicle to utilize to pick up and drop destitute etc. from the road side to home. When enquired Mr. Venkatesh, he stated that he would use the vehicle only for the purpose stated above and not for any personal use. Once, vehicle is given, he

has to take care of his vehicle at his own, fuel expenditure, maintenance and future insurance etc. It is a onetime donation of vehicle that he agreed. To his genuine cause and the Official Trustee will join with him to help the needy poor.

vii) In a similar situation, this Hon'ble Court has permitted the Official Trustee to donate Rs.2,00,000/- to Periyar Self Respect Propoganda Institution, for purchasing a motor van for their hospital (A.No.2599 of 1994 in O.P. No.109 of 1942 dt. 2.06.1994) and Mahindra and Mahindra Maxx LXi2wd Metallic fitted with diesel MD1 3200 Engine to the Karthika Public Educational & Charitable Trust, Mayiladuthurai, for transporting children to the school / hospital from their rural homes located in interior villages (A.No.1507 of 2003 in O.P. No.109 of 1942 dt. 28.03.2003) from the funds of the trust estate of V.Thiruvengadathan Chetty and Rs. 7,93,319/- for purchasing a Tata Winger Ambulance to Jeevodaya for cancer patients (A.Nos. 4048 & 4049 of 2010 dt. 30.07.2010) from the surplus funds of "The New Town Prayer Meeting Hall Trust".

viii) There is one Trust Estate of MM Ispahani and object of the trust

estate is to help by providing medical treatment etc. as narrated above. By way of Doctrine of Cypress from the MM Ispahani Trust Estate accumulation of funds for the FY 2016-2017, the expenditure may be meted out to purchase and donate a vehicle. As directed, Mr.Venkatesh collected 3 quotations to purchase Maruthi Suzuki EECO 5 STR AC BS 6 2020 model. The three quotations have different quoted amount. The particulars are given below:

Sl. No.	Supplier Company	Vehicle Name & Model	Rate
1.	Crescent Auto Repairs & Services India Private Limited, No.9, Cenotaph Road, Chennai- 600 018.	Maruthi Suzuki EECO 5 STR AC BS 6 2020	Rs.5,00,000/-
2.	Khivraj Motors Private Limited, No.623, Anna Salai, Chennai-600 006.		Rs.5,00,642/-
3.	ABT Maruti, K.V.Subramaniam Nagar, Chidambaram Main Road, Cuddalore – 607 003.		Rs.5,10,887/-

ix) The lowest quotation received from the dealer namely, Crescent Auto Repairs & Services India Private Limited, Chennai- 18 may be accepted to purchase the vehicle Maruti Suzuki EECO 5 STR AC BS-6 2020.

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.

11.09.2020

Speaking Orders: Yes

pvs

To

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

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R.SUBBIAH, J

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