

Application No.2724 of 2020
in C.S.No.90 of 1963

R.SUBBIAH, J

This Court is held by Video Conference.

2. This application has been filed by the Co-trustee of R.S.R.M.Choultry Trust Estate seeking permission to the Official Trustee to pay Rs.1,00,000/- (Rupees One Lakh only) in favour of 'Akkur Sirappuli Nayanar Anadhana Committee' Savings Bank A/c No.500101012054716, City Union Bank, Sembanorkoil Branch, Main Road, Sembanorkoil, Nagapattinam District, Pin – 609 301, IFSC Code : CIUB0000018 – MICR Code : 609054004 from and out of the funds of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate.

3. In the affidavit, the applicant has stated as follows:

- (i) The applicant's great grandfather Rajah Sir Ramaswamy Mudaliar constructed the choultry for the convenience of railway passengers at No.3, E.V.R.Periyar High Road, Park Town, Chennai – 600003, opposite to Central Railway Station. In 1898, Rajah Sir Ramaswamy Mudaliar himself put up choultry and feeding house with an object of giving free shelter and

feeding the poor. The choultry was run by applicant's great grandfather and after his demise, it was managed by ancestors.

(ii)Applicant's great grandfather has also executed a Will dated 28.01.1908, wherein provisions were made in respect of administration of the Trust. Applicant's father 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 this Court and a Scheme Decree was framed by judgment dated 18.08.1970 and the same was confirmed by the Division Bench of this Court under judgment dated 14.06.1971 passed in O.S.A.No.55 of 1970. As per the Scheme Decree dated 18.08.1970, the administration of the Trust is vested with the Official Trustee of Tamil Nadu.

(iii)Applicant is the Co-Trustee of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate appointed by this Court under judgment dated 05.06.2000 in O.S.A.Nos.66 and 67 of 2000. Applicant has taken several steps to streamline the trust income from various tenants.

(iv)Applicant has received an appeal dated 05.11.2020, received on 06.11.2020, from the Akkur Sirappuli Nayanar Anadhana Committee for grant of funds towards Sri Sirappuli Nayanar Guru Pooja and Annadhanam to be held on 19.11.2020. The “Akkur Sirappuli Nayanar Anadhana Committee”

Registration No.1150/2018, having office at No.1/228, Gandhi Veethi, Akkur, Nagapattinam District – 609301, has decided to celebrate, as usually done every year, the “Aayirtoruvar Annadhana Peru Vizha” & “Sri Sirappuli Nayanar Guru Pooja Vizha”, at Sri Thanthondri Eswarar Temple, Akkur Village, Tranquebar Taluk, Nagapattinam District, Pin Code – 609 301. The 50% of food expenses comes to Rs.1,40,000/- on the estimate of Rs.2,80,000/- towards feeding (Annadhanam) to nearly 5000 devotees, pilgrims and public on the occasion of Sri Sirappuli Nayanar Guru Pooja day which falls on 19.11.2020.

(v) the whole programme is being organised by the Akkur Sirappuli Nayanar Annadhana Committee for the past 26 years, only through donations and is conducted only for spreading happiness and harmony among human beings and for conducting discourses about the life history of Nayanmar, by eminent religious scholars etc. and with annadhanam and it is also expected that people from nearby 7 villages will gather on the occasion and will be benefitted on the occasion.

(vi) last year, the Trust has granted Rs.1,00,000/- under order in A.No.8846/2019 and in the previous years, the Trust has granted Rs.75,000/- and Rs.60,000/- under order dated 25.11.2016 passed in

A.No.6144/2016 and order dated 11.12.2015 passed in A.No.7966/2015 respectively. The Trust has also granted funds to various temple kumbabisekams and religious functions, which are similar to the present application.

(vii)the applicant has given a representation along with a request letter sent by the Committee to the Administrator General and Official Trustee to take necessary steps. Further, the Trust has enough fund, approximately, Rs.3.5 crores as Corpus (Fixed Deposits), plus Rs.20 lakhs generated by way of interest on fixed deposits every year. Further, as per the prevailing Income Tax rules 90% of the income should be spent on charities, otherwise, it will attract taxation. The Committee Secretary has also assured and undertaken to follow all Covid-19 precautions and safety measures.

Submitting as above, learned counsel for applicant prays for the above relief.

4. Learned Administrator General and Official Trustee of Tamil Nadu has filed a report, wherein it is stated as follows:

(i) The Official Trustee of Tamil Nadu has read over the affidavit of Mr. S.V.R.Ramprasad supported with the Judge's Summon and typed set and it is a matter of record.

(ii)last year, this Court permitted the Official Trustee to grant Rs.1,00,000/- towards the Sirappoli Nayanar festival under order in A.No.8846 of 2019 dated 26.11.2019.

(iii)in case, this 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 of Tamil Nadu after the completion of the function.

5. Considering the submissions made and the report of the AG & OT, this Court permits the Administrator General and Official Trustee to pay Rs.1,00,000/- (Rupees One Lakh only) in favour of 'Akkur Sirappuli Nayanar Anadhana Committee' Savings Bank A/c No.500101012054716, City Union Bank, Sembanorkoil Branch, Main Road, Sembanorkoil, Nagapattinam District, Pin – 609 301, IFSC Code : CIUB0000018 – MICR Code : 609054004 from and out of the funds of Rajah Sir Ramaswamy Mudaliar Choultry Trust Estate.

Accordingly, the application is ordered as prayed for.

10.12.2020

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