

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.162 to 165 of 2021
in

CS.No.177 of 1939

(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.162 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee of Tamil Nadu to utilize Rs.4,91,823/- (Rupees Four Lakhs Ninety one Thousand Eight Hundred and Twenty Three Only) from the accumulation funds of "MOPL Trust" of FY 2016-2017 for purchasing a vehicle (Van) Maruti Suzuki EECO 7 STR NON AC Model from the lowest quotation of Khivraj Motors Private Limited, No.623, Anna Salai, Chennai 600 006 to donate the said vehicle to Sevalaya Trust, New No.54, P.S.Sivasamy Salai (North), Mylapore, Chennai 600 004.

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.163 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee to donate a periodical payment of Rs. 20,000/- (Rupees Twenty Thousand Only) from MOPL Trust every month to Mahagavi Bharatiyar Higher Secondary School, at Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District to feed the poor students studying in their school from the date of the order.

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.164 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee to give meritorious award of Rs.50,000/- (Rupees Fifty Thousand Only) to each one boy student and one girl student, who secured highest marks in +2 examination, as certified by the Headmaster of Mahagavi Bharatiyar Higher Secondary School at Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District from MOPL Trust with effect from academic year 2020-21.

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.165 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee of Tamil Nadu to utilize Rs.29,879/- (Rupees Twenty Nine Thousand Eight Hundred and Seventy Nine Only) from the

accumulation funds of “MOPL” Trust of FY 2016-17 for purchasing the 200 books from the Narmadha Pathipagam, No.10, Nana Street, 1st Floor, Pondy Bazaar, T.Nagar, Chennai 600 017 and 271 books from Techno Book House, No.19, Bunder Street, 1st Floor, Chennai 600 001 to donate the said books to Sevalaya Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District.

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

COMMON ORDER

A.No.162 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee of Tamil Nadu to utilize Rs.4,91,823/- (Rupees Four Lakhs Ninety one Thousand Eight Hundred and Twenty Three Only) from the accumulation funds of “MOPL Trust” of FY 2016-2017 for purchasing a vehicle (Van) Maruti Suzuki EECO 7 STR NON AC Model from the lowest quotation of Khivraj Motors Private Limited, No.623, Anna Salai, Chennai 600 006 to donate the said vehicle to Sevalaya Trust, New No.54, P.S.Sivasamy Salai (North), Mylapore, Chennai 600 004.

2. A.No.163 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee to donate a periodical payment of Rs. 20,000/- (Rupees

Twenty Thousand Only) from MOPL Trust every month to Mahagavi Bharatiyar Higher Secondary School, at Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District to feed the poor students studying in their school from the date of the order.

3. A.No.164 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee to give meritorious award of Rs.50,000/- (Rupees Fifty Thousand Only) to each one boy student and one girl student, who secured highest marks in +2 examination, as certified by the Headmaster of Mahagavi Bharatiyar Higher Secondary School at Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District from MOPL Trust with effect from academic year 2020-21.

4. A.No.165 of 2021 in CS.No.177 of 1939 is filed praying to permit the Official Trustee of Tamil Nadu to utilize Rs.29,879/- (Rupees Twenty Nine Thousand Eight Hundred and Seventy Nine Only) from the accumulation funds of "MOPL" Trust of FY 2016-17 for purchasing the 200 books from the Narmadha Pathipagam, No.10, Nana Street, 1st Floor, Pondy

Bazaar, T.Nagar, Chennai 600 017 and 271 books from Techno Book House, No.19, Bunder Street, 1st Floor, Chennai 600 001 to donate the said books to Sevalaya Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District.

5. The learned A.G. & O.T. has filed a report, dated 18.01.2021, stating as follows:

(i) The Office of the Official Trustee of Tamil Nadu is administering the Trust Estate of Madras Ordinance Pensioned Luscars Charities as per the Scheme Decree of the Hon'ble High Court of Madras in C.S.No.177 of 1939 dated 01.08.1941 and performing the charities contained in the Scheme Decree.

(ii) One Mr.Muralidharan, Founder and Managing Trustee of Sevalaya, New No.54, P.S.Sivasamy Salai (North), Mylapore, Chennai 600 004, an NGO, has given a letter dated 15.12.2020 and 29.12.2020, stating that the Sevalaya is a registered charitable Trust established in 1988, headquarters in Chennai and doing charitable activities in Chennai, Chengulpet, Thiruvallur, Tenkasi, Kanchipuram, Trichy, Tirunelveli, Thanjavur districts and

Puducherry. He further stated that they are running free school, hospital, medical centres, mobile medical services, community colleges, old age homes, organic farming, gaushala, tuition centres and many other services to the orphan and destitute children, rural youth, senior citizens and animals. Sevalaya runs free old age home at Thalavaipalayam, Thanjavur Dist with 20 bedded campus provide free food, clothing and stay for destitute elders. For that they are requesting to provide multi-purpose van which will help them for various works like taking elders to hospital, temple visits etc. In his letter, he further requested that as they propose to provide free medical support to villagers living in non-PHC locations in Sirkazhi, Mayiladuthurai district. For this purpose, they are requesting another van (mini ambulance).

(iii) From the documents submitted by M/s Sevalaya and interaction with him, it reveals that their request to provide any four wheeler vehicle to utilize for the old age home or free medical support to villagers living in non-PHC locations is genuine. When enquired, they stated that they would use the vehicle only for the purpose stated above and not for any personal use. Once, vehicle is given, they have to take care of the vehicle at their own, fuel expenditure, maintenance and future insurance etc. It is a onetime donation of

vehicle that he agreed. To their genuine cause the Official Trustee may join with them to help the needy poor.

(iv) After interaction with them, they also requested to donate books to the Sevalaya school students. For this purpose for supply of above referred books, after several rounds of discussions with the suppliers top level executives / managers, the following quotations were called for to donate to Sevalaya trust for books:-

Sl. No.	Item	Vendor Name	Discount	Quantity	Total Amount in Rs.
1.	Various Title Books	Narmadha Pathipagam, No.10, Nana Street, 1 st Floor, Pondy Bazaar, T.Nagar, Chennai 600017.	35%	200	14,225.00
2.	Various Title Books	Techno Book House, No.19, Bunder Street, 1 st Floor, Chennai 600 001.	30% to 40%	271	15,653.75
Total					29,879.00

(v) The Official Trustee further submits that since the above referred books are in unique and after persuading the suppliers the above discount price was given and the same may be considered by this Hon'ble Court to donate to the Sarvodaya school.

(vi) Trust Estate of MOPL object is to help poor people by feeding etc.

The expenditure may be meted out to donate one Four wheeler vehicle to Sevalaya, New No.54, P.S.Sivasamy Salai (North), Mylapore, Chennai 600 004. As directed, the said trust has collected three quotations to purchase Maruthi Suzuki Van EECO 7 STR NON AC model. The three quotations have different quoted amount. The particulars are given below:

Sl. No.	Supplier Company	Vehicle Name & Model	Rate
1.	Khivraj Motors Private Limited, No.623, Anna Salai, Chennai 600 006.	Maruthi Suzuki EECO 7 STR NON AC	Rs.4,91,823/-
2.	Crescent Auto Repairs & Services India Private Limited, No.9, Cenotaph Road, Chennai 600 018.		Rs.5,11,586/-
3.	Vishnu Cars Private Limited, No.31/A, N.P.Jawaharlal Nehru Salai, Ekkattuthangal, Chennai 600 032.		Rs.5,27,953/-

(vii) The lowest quotation received from the dealer, namely, Khivraj Motors Private Limited, No.623, Anna Salai, Chennai 600 006 may be accepted to purchase the vehicle Maruti Suzuki EECO 7 STR AC and donate to Sevalaya Trust.

(viii) In the past like similar situations, this Hon'ble Court has permitted the Official Trustee to donate different type of vehicles to different institutions from different Trust Estates. Recently, the Official Trustee donated Rs.4,31,189/- as per the Hon'ble High Court order dated 05.11.2020 in Application Nos. 2578 & 2579 of 2020 in C.S.No. 15 of 1967 to Sarva Bojan Trust, Chennai to purchase a vehicle (Van) Maruti Suzuki EECO 5 STR NON AC and Rs.5,00,000/- as per the order dated 11.09.2020 in A.Nos.1974 & 1975 of 2020 in C.S.No. 15 of 1967 to Agal Foundation Public Charitable Trust, Chennai to purchase a vehicle (Van) Maruthi Suzuki EECO 5 STR AC BS-6 2020 from the accumulated funds for the FY 2016-2017 of MM Ispahani Trust.

(ix) There are about 2100 students studying in their school, namely, Mahagavi Bharathiyar Higher Secondary School. Out of which nearly 200 children are orphans and staying in Sevalaya home. Remaining children are coming from their homes from nearby villages. They are providing 1400 meals everyday to the children and inmates in their aged home. All services are free. The Sevalaya is alive from the public contribution. In the given

circumstances, they requested to provide adequate donation to feed the school children during mid day meals. In yet another letter of 15.12.2020, they further requested to consider that the orphan children are studying in their school, one boy student and one girl student from +2 examination who secure highest marks may be awarded by meritorious award of Rs.50,000/- each and it will be helpful to them for their higher studies. Their request is genuine one and the same may be considered by this Hon'ble court.

(x) The meritorious award may be given with effect from the academic year 2020-2021 of one boy student and one girl student who has secure highest marks in their +2 examination with each Rs. 50,000/- as certified by the Headmaster of Mahakavi Bharathiyar Higher Secondary School. To help for providing midday meals, the Official Trustee has suggested a sum of Rs.20,000/- per month may be donated from the date of order as periodical payment from the Trust Estate of MOPL.

(xi) The MOPL Trust Estate, there is a clause in scheme decree for doing charities to the poor people. The objects of the charities may be expanded to include within its ambit to donate Maruti Van, books, and feeding poor students to Sevalaya trust which is useful for the needy poor

students and people, by invoking the “doctrine of cypress’. The office of AG & OT may also be joined to help the needy people.

(xii) As per the records in the Office of the Administrator General and Official Trustee of Tamil Nadu, the Funds Position of the MOPL Trust Estate as on 05.01.2021 is as follows:-

Total Fixed Deposit Receipts	Rs.	7,05,40,407/-
Less: Corpus	Rs.	1,75,000/-

	Rs.	7,03,65,407/-
Cash on hand as on 05.01.2021	Rs.	28,73,609/-

Fund Position as on 05.01.2021	Rs.	7,32,39,016/-

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

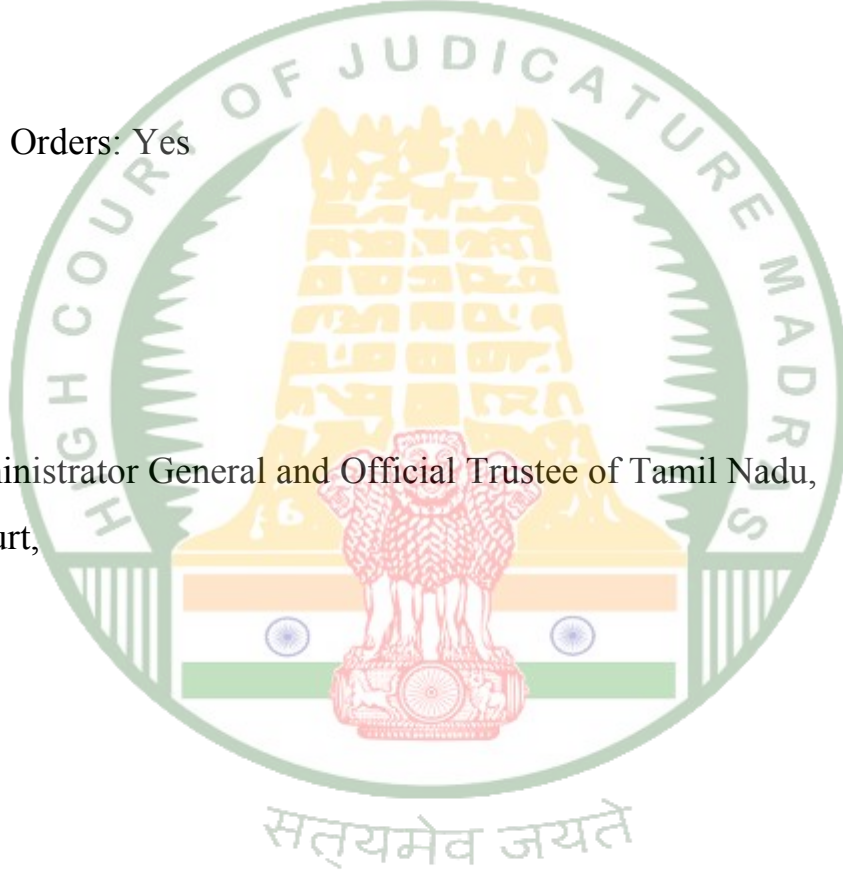
7. This Court heard the submissions made by the learned A.G .& O.T. and perused the materials available on record.

8. 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, these applications are ordered as prayed for.

25.01.2021

Speaking Orders: Yes
pvs

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



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R.SUBBIAH, J

pvs



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