

Order dated 03.03.2021 in
Application Nos.835 to 837 of 2021 in C.S.No.274 of 1899

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.835 to 837 of 2021
in
C.S.No.274 of 1899

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

.. Applicant in all the Applications

Application No.835 of 2021 in C.S.No.274 of 1899, filed and 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, praying to permit the Official Trustee to utilise Rs.59,831/- from the accumulation funds of M.M.Charities Trust of the Financial Year 2016-2017 for entrusting the fixing of CCTV Cameras and its allied works to Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122 to M/s.Galaxy Services, No.7/82, Thiruvalluvar Street, Jegathambigai Nagar, Padi, Chennai-600 050.

Application No.836 of 2021 in C.S.No.274 of 1899, filed and Judge's

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Order dated 03.03.2021 in
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Summons issued under Order XIV Rule8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913, praying to permit the Official Trustee to pay Rs.1,54,240/- from the accumulation funds of M.M.Charities Trust of the Financial Year 2016-2017 to Thiru.P.Ellappan, Velvi Asiriyar, Siruthamur Village & Post, Mathuranthakam Taluk, Chengulput-603 307 to conduct "Kumbhabishekam" to Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122 on the date fixed after the Temple renovation work.

Application No.837 of 2021 in C.S.No.274 of 1899, filed and Judge's Summons issued under Order XIV Rule8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913, praying to permit the Official Trustee to utilise Rs.3,44,000/- from the accumulation funds of M.M.Charities Trust of the Financial Year 2016-2017 for entrusting the wood, grill and civil work to Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122 from the lowest quotation of K.P.Decors, No.9, Sanjay Gandhi Nagar, Main Street, Anakaputhur, Chennai-600 070.

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

COMMON ORDER

These applications are filed for the following reliefs:

(i) Application No.835 of 2021 in C.S.No.274 of 1899 is filed praying to permit the Official Trustee to utilise Rs.59,831/- from the accumulation funds of M.M.Charities Trust of the Financial Year 2016-2017 for entrusting the fixing of CCTV Cameras and its allied works to Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122 to M/s.Galaxy Services, No.7/82, Thiruvalluvar Street, Jegathambigai Nagar, Padi, Chennai-600 050.

(ii) Application No.836 of 2021 in C.S.No.274 of 1899 is filed praying to permit the Official Trustee to pay Rs.1,54,240/- from the accumulation funds of M.M.Charities Trust of the Financial Year 2016-2017 to Thiru.P.Ellappan, Velvi Asiriyar, Siruthamur Village & Post, Mathuranthakam Taluk, Chengulput-603 307 to conduct "Kumbhabishekam" to Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122 on the date fixed after the Temple renovation work.

(iii) Application No.837 of 2021 in C.S.No.274 of 1899 is filed praying to permit the Official Trustee to utilise Rs.3,44,000/- from the accumulation funds of M.M.Charities Trust of the Financial Year 2016-2017 for entrusting the wood, grill and civil work to Arulmigu Sri

Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122 from the lowest quotation of K.P.Decors, No.9, Sanjay Gandhi Nagar, Main Street, Anakaputhur, Chennai-600 070.

2. The Official Trustee of Tamil Nadu has filed a report dated 24.02.2021 stating as follows:

(a) The office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] has been administering more than 150 Trust Estates. There are properties to Trust Estates and rental income deriving from it are put it in fixed deposit. Out of the rental and interest income on fixed deposit, the Office of AG & OT has been doing charities, maintenance to the beneficiaries, scholarship to the students, salary to estate staff, making statutory charges to government, paying income tax, meeting other necessary expenses. Apart from that, as per the orders of this Court donation by way of things, articles and medical machines etc. have been given to the NGOs and other institutions based on their request.

(b) The Trust Estate of Maligai Merchant Charities is being administered by the office of the Official Trustee of Tamil Nadu as per the scheme decree of this Court in C.S.No.274/1899 dated 01.03.1932. The

trust estate of MM Charities has various properties and fixed deposits. Out of the income generated from it the charities has been done as per the intention of the Testator and the orders of this Court.

(c) One Mr.D.Rajagopal approached the Official Trustee during second week of February, 2021 requesting for religious charity purpose. He stated that on coming to know that the O/o AG & OT has been doing various charities to the general public which includes religious charity, he tried to get any charity from the Official Trustee for repair and renovation of a very old Lord Shiva Temple i.e. Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkoil, Tharappakkam, Chennai-122. He stated that since 12 years he took up the said Temple under his management and did various developments of constructing a compound, Madappalli, Tower, painting etc. and conducting daily pooja to the deity. The Temple has history of more than 1500 years and as per his understanding the said Temple was build up during Tamil King Pandiyas Dynasty. The Temple has medium extent of about 10,000 Sq. Ft. land.

(d) Mr.D.Rajagopal further stated that in the year 2010 at his effort “Kumbhabishekam” was conducted to the said Temple. Since, 2009, he is

maintaining and administering the said Temple and conducting pooja through “Gurukkal”. All the major expenditure has been meted out from his own money. Now, he has been doing painting work to the Temple at his own expenditure. In the intervening period as he has come to know that the O/o AG & OT has been doing charity as stated above, he approached the AG & OT for charity purpose for further Temple repair and renovation work.

(e) On hearing him and to know and verify the same, the AG & OT inspected the said Temple on 13.02.2021. When the inspection was made it was found that the painting work to the Temple was in progress. Additionally, some mason work was going on. The then Dharmakartha Mr.T.S.Manokar and few other devotees from the said village were found in the Temple. While interacting them they made a request for Temple’s safety purpose the damaged front grill gate and wooden door has to be replaced by fixing a new one with strong condition. Further surveillance purpose for any theft and untoward incident adequate CCTV Cameras required to be fixed. Further they made a request that another grill gate be fixed at the Tower entrance of the Temple. Further Masonry works of

putting a small roof above the Vinayaka Temple and other 'L' shape grill works are to be fixed. In front of the Madappalli a shed to be erected. On physically inspecting the Temple, their request may not be rejected one and it may be considered appropriately depends upon the cost involved therein.

(f) After long duration of inspection and interaction with the Temple Administrator, Priest, the then Dharmakatha and other devotees, Mr.D.Rajagopal was directed to get quotations for renovation work and make a detailed letter for consideration. It also came to the light that said Temple comes under the HR & CE department. The Temple Priest Mr.N.Jaganathan also stated that though the said Temple comes under the HR & CE control, but no payment is made by the HR & CE department even for one time Neivedhyam. Since 2010, he has been doing priest work in the said Temple and Mr.D.Rajagopal has been paying his monthly salary of Rs.4,500/- per month in 2010. It was periodically enhanced and currently he is getting Rs.7,500/- as his salary. The HR & CE department has not regularized his income. No Hundi was found in the Temple.

(g) Mr.D.Rajagopal has given a letter dated 22.02.2021 by enclosing quotation for fixing main wooden door, grill gate, 'L' shape side grill work,

small roof above the Vinayakar Temple and other civil works plus fixing CCTV Camera. In that letter few villagers have signed including the then Dharmakartha. He also submitted monthly pooja expenditure from 2010 to 2020 in a booklet. Though three quotations availed for civil work, he was able to get only one quotation for wood work and CCTV Camera. The wood work is highly art and skilled one and therefore, he can able to get only one quotation. For CCTV Camera, he can able to get only one quotation and amount quoted by them is generally moderate one. The Gurukkal Mr.N.Jaganathan also given a letter dated 22.02.2021 confirming the work done by Mr.D.Rajagopal with the hope that the Office of the AG & OT may help them by donation to renovate the Sri Kailasanathar Thirukkoil. The said Temple has unique nature of western side entrance. The quotation was also obtained for “Kumbhabishekam” purpose and one Mr.Ellappan, Velvi Asiriyar has given quotation for “Kumbhabishekam”. It is also unique in nature and therefore, only one quotation was availed. The date of ‘kumbhabishekam’ be fixed after the renovation work is over. The particulars of the quotation have given below:

1. Renovation Work

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Sl. No.	Company	Nature of Work	Rate
1.	K.P. Decors, No.9, Sanjay Gandhi Nagar, Main Street, Anakaputhur, Chennai 600 070.	Wood work, Grill work, Construction work	Rs.3,44,000/-
2.	Ve Be N Construction, No.31/1, 2 nd Street, K.K.Nagar, Thirumullaivoil, Chennai 600 062.	Grill work, Construction work, Flooring work	Rs.4,94,600/-
3.	Pearl Engineers Construction Co-Operative Society Limited, No.33/69, Big Street, Triplicane, Chennai 600 005.	Grill work, Construction work, Flooring work	Rs.5,59,295/-

2. CCTV Camera

Sl. No.	Company	Equipment	Qty	Rate
1.	Galaxy Services, No.7/82, Thiruvalluvar Street, Jegathambigai Nagar, Padi, Chennai 600 050.	HIKVISION HD 5 MP 3.6MM BULLET CAMERA with accessories	07	Rs.59,831/-

3. Kumbhabishekam

Sl. No.	Company	Festival Name	Rate
1.	Siva P.Ellappan	Kumbhabishekam to the	Rs.1,54,240/-

Velvi Asiriyar, Siruthamur Village & Post, Mathuranthakam Taluk, Chengulput District Pin 603 307	Arulmigu Anandhavalli Udanurai Kailasanathar Thirukkoil, Tharappakkam	
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(h) Since three quotations availed for wood and civil work having different types of work when enquired with Mr.D.Rajagopal he has stated that considering the cost of work he restricted that the no flooring and wall work of laying granite required at present and therefore, the least quotation of K.P.Decors for wood work, grill work and other construction work may be considered. Considering the request made by the Temple Administrator Mr.D.Rajagopal and the cost involved therein the quotation submitted by K.P. Decors with total cost of Rs. 3,44,000/- may be accepted for entrusting the wood, grill and civil work to the said contractor. For fixing CCTV camera the price quoted by Galaxy Services is reasonable one in the market and that may be accepted. The Kumbhabishekam expenditure estimation of Rs.1,54,240/- as submitted by the Velvi Asiriyar Mr.Ellappan may be accepted one. Altogether, the total amount comes to Rs.5,58,071/-.

(i) There are various Trust Estates under the administration of Official Trustee of Tamil Nadu. One among the same is MM Charities. In the said Trust Estate various religious charities to the Shiva Temple have been carried out since the Trust Estate vested with the Official Trustee. In the said Trust Estate there is a accumulated funds after meting out all the expenditure of salary to the estate staff, cess, and religious charity as per the Scheme Decree etc. The MM Charities have accumulated funds of Rs.9,30,300/- from the FY 2016-17 which has to be spend it on or before FY 2021-22. Considering the request made by Mr.D.Rajagopal, the expenditure Rs.5,58,071/- may be meted out from the accumulated funds of MM Charities for the FY 2016-17.

(j) In the Trust Estates of MM Charities, there is a clause for doing religious charities to the poor people and Temples. The objects of the charities may be expanded to include within its ambit to donate funds to renovate the Arulmigu Sri Anandavalli Udanurai Sri Kailasanathar Thirukkcoil, by invoking the Doctrine of Cypress. Hence, these applications are filed for the reliefs stated supra.

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

4. 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 above said report of the learned A.G. & O.T. Accordingly, these applications are ordered as prayed for.

03.03.2021

Speaking Order: Yes

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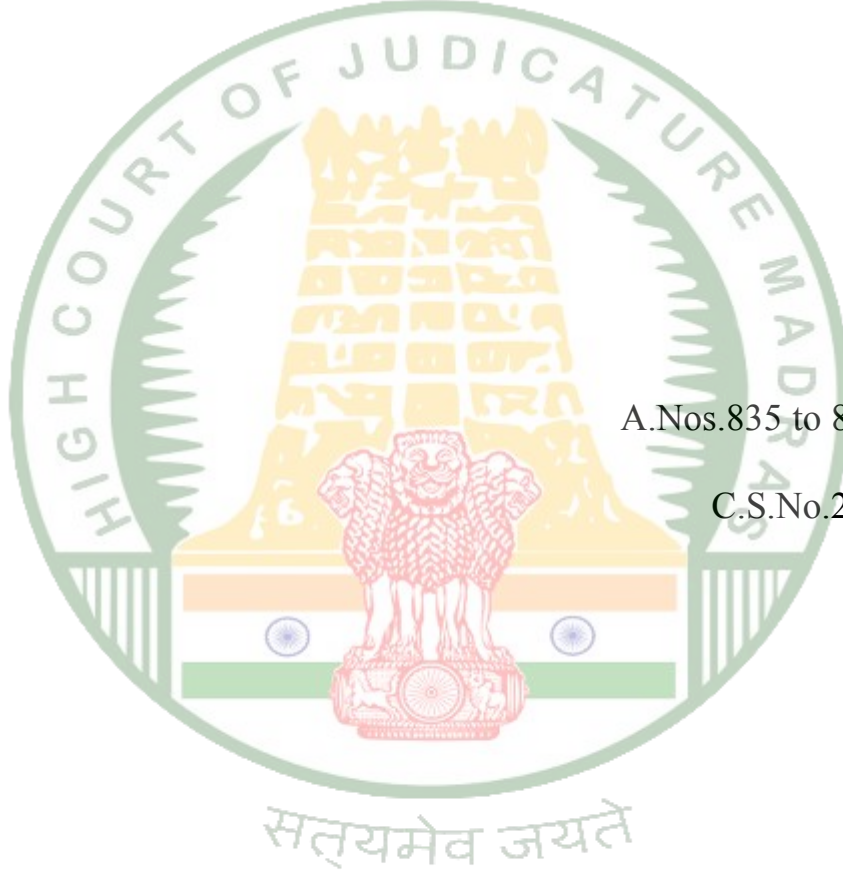
To

A.G. & O.T.,
High Court, Madras.

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R.SUBBIAH, J

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