

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application No.834 of 2021
in
O.P.No.109 of 1942

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

.. Applicant

Application 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.2,92,320/- from the accumulation funds of V.T.Chetty Trust of Financial Year 2017-2018 for entrusting the bathroom, toilet, bore-well and motor construction work to Sree Srinivasa Perumal Koil, No.42, Thiruvankata Mudali Street, Periyamedu, Chennai-3 to Ruth Builders, No.10 (Old No.1/3), Sri Valluvapuram Street, Perambur, Chennai-600 011.

For appellant : Mr.P.Murugan, A.G. & O.T.

ORDER

This application is filed praying to permit the Official Trustee to utilise Rs.2,92,320/- from the accumulation funds of V.T.Chetty Trust of Financial Year 2017-2018 for entrusting the bathroom, toilet, bore-well and motor construction work to Sree Srinivasa Perumal Koil, No.42, Thiruvengkata Mudali Street, Periyamedu, Chennai-3 to Ruth Builders, No.10 (Old No.1/3), Sri Valluvapuram Street, Perambur, Chennai-600 011.

2. The Official Trustee of Tamil Nadu has filed a report dated 25.02.2021 stating as follows:

(a) Sri Srinivasaperumal Temple situated at No.42, Thiruvengkata Mudali Street, Periyamedu, Chennai-3 belongs to the Trust Estate of P.Rukmani Ammal and administered by the Official Trustee of Tamil Nadu as per the scheme decree dated 30.10.1931 of this Hon'ble Court in O.P.No. 229 of 1931.

(b) Tmt. P.Rukmani Ammal in her Will dated 14.02.1931 dedicated the income received from her estate for the maintenance of the Sri Srinivasa

Perumal Temple at Thirvengada Mudaliar Street, Chennai which was renovated and maintained by her ancestors. Accordingly, daily Poojas are being performed in the said Temple by one Archagar Mr.A.Raghunatha Battachariyar. The Electricity charges and salary to the Archagar and Watchman of the Temple have been met out from the funds of the Trust. The Watchman died in the year 2017 and thereafter, no Watchman is posted due to inadequate funds in the said Trust Estate.

(c) Due to insufficient funds to maintain the Temple, perform the daily poojas, pay electricity charges and to meet out the salary to the Archagar and Watchman etc., a sum of Rs. 2,00,000/- was sanctioned by this Court in A.No.5042 of 2003 on 21.11.2003 in O.P.No.109 of 1942 from and out of the surplus funds of V.Thiruvengadathan Chetty Charities, which is another Trust under the control of the Official Trustee of Tamil Nadu to be kept as Corpus for the Trust Estate of P.Rukmani Ammal and to utilise the interest received from the said sum for the maintenance of the other expenditure of the Temple. This has been done so far.

(d) In the year 2005, this Court has ordered in A.No.1150 of 2005 in O.P. No.109 of 1942 by sanctioning a sum of Rs. 3,25,000/- from the Trust

Estate of V.Thiruvengadathan Chetty for effecting renovation work and to conduct Maha Sambrokshana to the Sri Srinivasa Perumal Temple situated at Periyamedu, Chennai-3 which belongs to P.Rukmani Ammal Trust Estate under the control of Official Trustee. As per the said order, the Temple was renovated and Maha Sambrokshanam was conducted.

(e) As per this Court's order dated 05.11.2020 in A.Nos.2580 to 2583 of 2020, complete Temple painting work, little minor civil work, entrance gate repair works and painting was done with the cost of Rs.1,28,000/-.

(f) After completion of Temple renovation work, the “Mahakumbabishekam” to the said Temple was conducted on 03.02.2021 (Wednesday-Tamil month-Thai) as per this Court's order dated 25.01.2021 in A.Nos.145 to 148 of 2021. The “Mahakumbabishekam” work was started on previous day itself by the Temple Priests and AG & OT office staff for the arrangements to the “Mahakumbhabishekam”. On the day of “Mahakumbabhishekam”, devotees also visited the Temple along with AG & OT office staff to attend the “Kumbhabhishekam”. Since the Temple has no rest room, and toilet, the people who assembled in the Temple for “Mahakumbhabishekam” suffered from natural call, as there is no such

facility in the Temple. Moreover, there was a water scarcity in the Temple, due to the hand pump which is connected to the Corporation water pipe was not working properly. So, the people and office staff were unable to get sufficient water for their need.

(g) The Temple priest Thiru A.Raghunatha Bhattachariyar made a request to the Official Trustee for new bore-well, bath room and toilet construction and silver coating to the copper crowns of God Perumal, Goddesses Sridevi and Boodevi and Sadari Sembu gifted by the Official Trustee. The Official Trustee asked him to give a written request letter. According, the said Temple priest has made a written request to the Official Trustee by letter dated 05.02.2021.

(h) The request made by the Temple priest is genuine as the Official Trustee attended the Temple during “Mahakumbhabhishekam” and found that the above mentioned problems of the Temple are correct and genuine. Hence, the Official Trustee invited a quotation for providing bore-well and construction of Toilet in Sree Srinivasa Perumal Koil from Ruth Builders, No.10 (Old No.1/3), Sri Valluvapuram Street, Perambur, Chennai 600 011 and the quotation dated 23.02.2021 received from Ruth Builders quoted

Rs.2,61,000/- plus 12% GST extra for providing bore-well and construction of Bath room and Toilet in the Sree Srinivasa Perumal koil. The price quoted by Ruth Builders is reasonable and that may be accepted. Since the civil work is minor one, only one quotation is received.

(i) For silver plating work, a cost estimate was obtained for Rs.3,500/-. Since this amount is meagre, it has been met out from the balance amount of “Mahakumbhabishekam” expenditure. Therefore, this application is filed only for civil work of bath room, toilet, bore-well and motor.

(j) The above expenses were also met by the Trust Estate of V.T.Chetty, as there is no fund available in the Trust Estate of P.Rukmani Ammal. There is a clause in the Trust Estate of V.T.Chetty Will that the payment out of income had to be utilized for poor feeding at Sri Ranganayakalu Kovil at Madras. By the way of “Doctrine of Cypress”, this Court has power to expand the scope to extend support to help to the renovation of Sri Lakshmi Narayanaswamy Thirukkoil. Hence, this application is filed for the relief 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, this application is ordered as prayed for.

03.03.2021

Speaking Order: Yes

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To

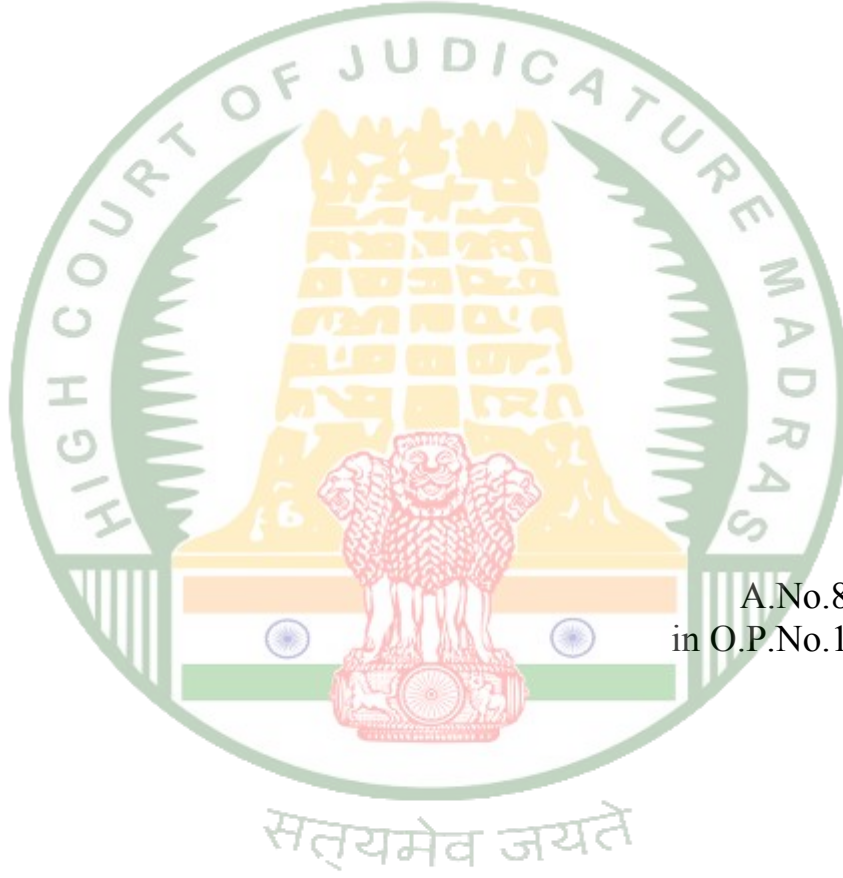
A.G. & O.T.,
High Court, Madras.

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R.SUBBIAH, J

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