

Order dated 23.04.2021
in Appln.Nos.1795 and 1796 of 2021
in C.S.No.200 of 1930

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.04.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1795 and 1796 of 2021
in
C.S.No.200 of 1930

In the matter of the Estate of
Kadapakkam Charities

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

.. Applicant in both the applications

Applications 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:

(a) A.No.1795 of 2021 : permit the purchase of the equipments from the lowest vendors/suppliers of Devraj Computers Private Limited of Computer for Rs.45,800/- Oasis India A Network Private Limited of Still Camera, Video Camera, Projector and Voice Recorder for Rs.1,18,150/- and Power Centre Private Limited of Printer for Rs.48,300/- altogether Rs.2,12,250/- to donate such equipments to the Dean, Government Kilpauk

Medical College Hospital, Kilpauk, Chennai-600 010.

(b) A.No.1796 of 2021 : permit to purchase the medical equipments from the lowest quotation vendors/suppliers of Allengers Medical System Limited of X-Ray Machine for Rs.3,47,200/-, Vivek Enterprises of Automatic Tissue Processor for Rs.20,06,000/- and MM Medical Systems of Syringe Infusion Pump and ECG for Rs.2,64,320/- altogether Rs.26,17,520/- to donate such medical equipments to the Dean, Government Kilpauk Medical College Hospital, Kilpauk, Chennai-600 010.

For applicant : Mrs.N.Rajalakshmi, Dy. A.G. & O.T.

COMMON ORDER

These applications are filed for the following reliefs:

(a) A.No.1795 of 2021 : to permit the purchase of the equipments from the lowest vendors/suppliers of Devraj Computers Private Limited of Computer for Rs.45,800/- Oasis India A Network Private Limited of Still Camera, Video Camera, Projector and Voice Recorder for Rs.1,18,150/- and Power Centre Private Limited of Printer for Rs.48,300/- altogether Rs.2,12,250/- to donate such equipments to the Dean, Government Kilpauk Medical College Hospital, Kilpauk, Chennai-600 010.

(b) A.No.1796 of 2021 : to permit to purchase the medical equipments from the lowest quotation vendors/suppliers of Allengers Medical System Limited of X-Ray Machine for Rs.3,47,200/-, Vivek Enterprises of

Automatic Tissue Processor for Rs.20,06,000/- and MM Medical Systems of Syringe Infusion Pump and ECG for Rs.2,64,320/- altogether Rs.26,17,520/- to donate such medical equipments to the Dean, Government Kilpauk Medical College Hospital, Kilpauk, Chennai-600 010.

2. The Official Trustee of Tamil Nadu has filed a report dated 19.04.2021 stating as follows:

(a) The office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] has been administrating more than 150 Trust Estates. There are properties in the Trust Estates and rental income deriving from it are put it in fixed deposit. Out of the rental and interest income, the Office of the 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 the High 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 Official Trustee had been appointed as the sole Trustee of the properties of the Trust Estate of Kadappakkam Charities vide a Scheme Decree dated 22.11.1934 in C.S.No. 200 of 1930 and thus the Trust Estate of Kadappakkam Charities is under the administration of the Official Trustee of Tamil Nadu. The Trust Estate of Kadappakkam 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 Hon'ble Court.

(c) One Dr.P.Vasanthamani, working in the Government Kilpauk Medical College Hospital, as a Dean, has submitted a letter on 09.04.2021, requesting the Official Trustee of Tamil Nadu to donate the following advanced Medical equipment's for the effective functioning of hospital.

1. High frequency 100mA Mobile X-Ray Unit .
2. Automatic tissue processor
3. Syringe infusion pump – 4 Nos.
4. Multichannel ECG machine.

She further requested that the following equipments are required to the Forensic Department for digitalization of all medico legal documents and for Academic activities.

1. Destop Computer with speaker and webcam.
2. Duplex Printer with Scanner (Heavy Duty).
3. Still Camera.
4. Video Camera.
5. Wall Mounted Projector.
6. Voice Recorder.

She enclosed the quotations from three suppliers for each medical equipments.

(d) The lowest quotation received from the dealers may be accepted to purchase the Medical Equipments.

(e) For the equipments required for the Forensic Medicine department

the quotations are received for the various suppliers.

(f) For the computer system, the lowest quotation received from the dealer Devraj Computers Private Limited, Gee Gee Complex, Ground Floor, No.42, Mount Road, Chennai 600 002 may be accepted to purchase the Computer system. For Video Camera, still camera, Projector and Voice Recorder only one quotation is received from Oasis India A Network Private Limited, No.833, Chennai Mahajana Sabha Building, Anna Salai, Chennai 600 002 hence, it may be accepted to purchase the above equipments. For Printer also only one quotation received from the supplier Power Centre Private Limited, STAG Business Centre, 1st Floor, GR Complex, Annex 408, Anna Salai, Nandanam, Chennai 600 035 and it may be accepted to purchase the printer.

(g) In the past like similar situations, this Court has permitted the Official Trustee to donate different types of medical equipments to different institutions from different Trust Estates. Recently, the Official Trustee donated ICU Ventilator and portable Ventilator with a cost of Rs.13,43,960/- to RSRM Government Hospital, Royapuram as per the High Court order dated 09.09.2019 in Application No.6605 & 6606 of 2019 in C.S. No. 90 of 1963 and donated Medical equipments with a value of Rs.35,94,000/- to Dharmapuri Government Medical College Hospital as per the High Court order dated 13.03.2020 in A.Nos. 1159 & 1160 of 2020.

(h) From Trust Estate, stated above, there is a clause for doing charities to the poor people. The objects of the charities may be expanded to

include within its ambit “sponsoring for the purchase of above mentioned medical equipments which are useful for the needy poor patients, by invoking the “doctrine of cypress’. Extension of Medical facilities to the poor economic patients may be treated as feeding of poor by way of the doctrine of cypress.

(i) The total amount of Rs.28,29,770/- for purchase of above mentioned Medical equipments and technical equipments may be meted out from the Kadappakkam Trust Estate accumulated funds for the Financial Year 2016-17. Hence, the Official Trustee has filed the above two applications 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.

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23.04.2021

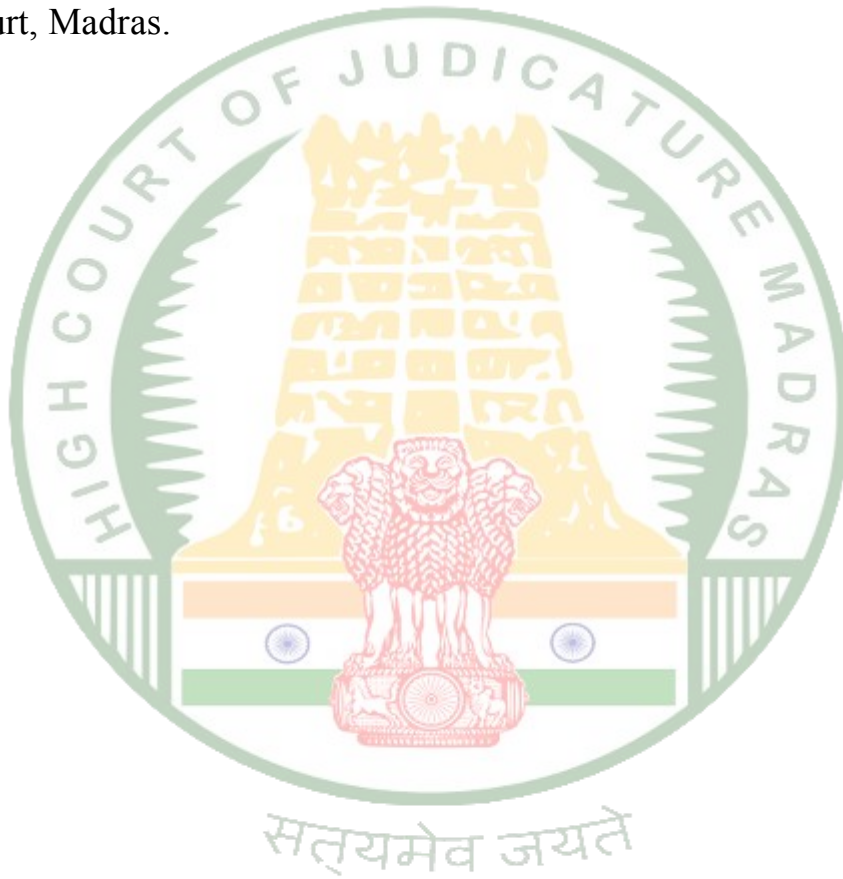
Speaking Order: Yes

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To

The A.G. & O.T.,

High Court, Madras.

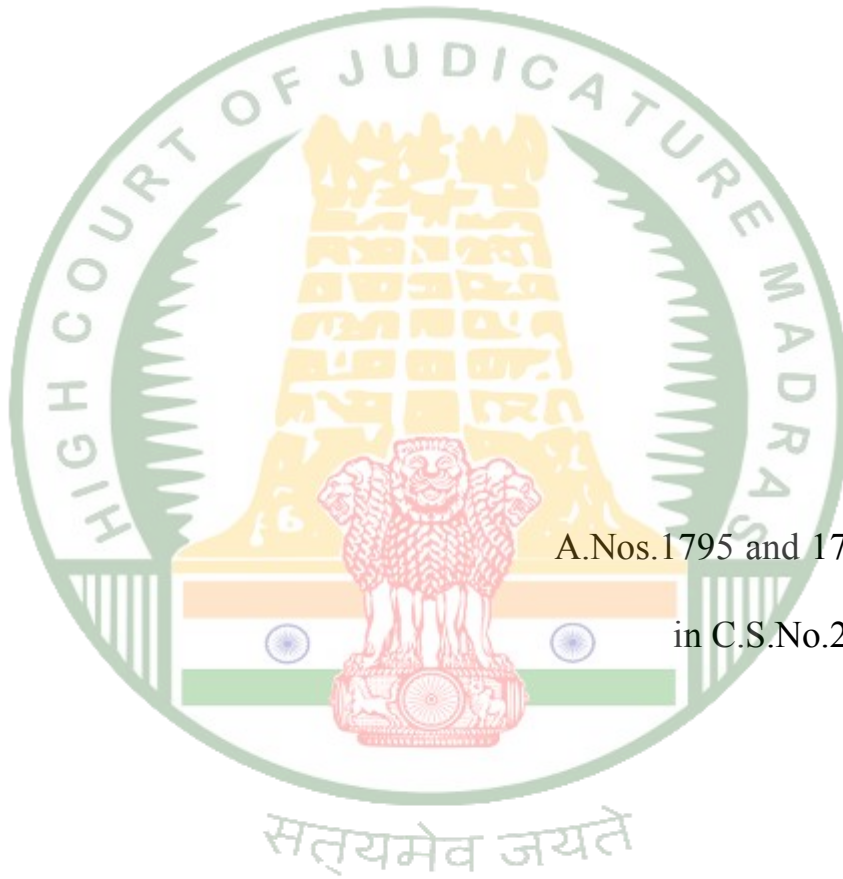


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