

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.04.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1862 to 1865 of 2021

Official Trustee of Tamil Nadu,

High Court Campus,

Chennai-600 104.

... Applicant in all 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 Trustees Act 11 of 1913, praying to:

(a) A.No.1862 of 2021 : permit the Official Trustee to utilise Rs.20,790/- for purchasing 21 sets of clothing items from the supplier of New Cholan Matching, No.247, R.K.Mutt Road, Mylapore, Chennai-600004 and Rs.1,21,075/- for purchasing 21 packages which consist of 75 kg. boiled rice and 20 items of groceries, from the supplier of Singarajan Online Rice Store, No.164/1, G.N.T.Road, Redhills, Chennai-600 052 to donate said rice and cloth to the Madras High Court Advocates Co-operative Society Limited, X-146, Chennai 600 104 canteen staff of 21 persons, altogether, Rs.1,41,865/- from the accumulated funds of FY 2016-17 of Jamunabail Trust Estate.

(b) A.No.1863 of 2021: permit the Official Trustee to utilise the accumulated funds of FY 2016-2017 of "M.M.Ispahani Trust" for purchasing a vehicle Maruthi Suzuki EECO TOUR V BS6 Yellow Board from the quotation of Khivraj Motors Private Limited, No.623, Anna Salai, Chennai-600 006 for Rs.5,12,000/- and from the quotation of Akshara Clothing, No.155/H, Karungaimedu, Perumanallur Road, Kunnathur, Tirupur District-638 103 of 500 T-Shirts for Rs.1,30,000/-, altogether Rs.6,42,000/- to donate the same to the Uravugal Trust, No.12/22, Dr.Radhakrishnan Nabar, 1st Street, Choolaimedu, Chennai-600 094.

(c) A.No.1864 of 2021 : permit the Official Trustee to utilise Rs.1,62,000/- from the accumulation of funds of Jamunabai Trust Estate of FY 2016-17 for purchasing 200 bags of 25 kg. rice, from the supplier of Singarajan Online Rice Store, No.164/1, G.N.T.Road, Redhills, Chennai-600 052 to donate said rice to the Thiruvannamalai Sattiya Dharumacchalai Nitya Annadhanam, No.15A, Peigopuram Street, Thiruvannamalai.

(d) A.No.1865 of 2021 : permit the Official Trustee to utilise Rs.1,54,875/- from the accumulation of funds of Jamunabai Trust Estate of FY 2016-17 for purchasing 5000 meters of Ghada cloth from the supplier of Kodi Enterprises, No.183, Ground Floor, 6th Cross, TVS Nagar, Korattur, R S, Chennai 600 076 to donate said Ghada Cloth to Uravugal Trust, No.12/22, Dr.Radhakrishnan Nagar, 1st Street, Choolaimedu, Chennai-600094.

For applicant : Mr.B.Vijay for A.G. & O.T

COMMON ORDER

These applications are filed to:

(a) A.No.1862 of 2021 : permit the Official Trustee to utilise Rs.20,790/- for purchasing 21 sets of clothing items from the supplier of New Cholan Matching, No.247, R.K.Mutt Road, Mylapore, Chennai-600004 and Rs.1,21,075/- for purchasing 21 packages which consist of 75 kg. boiled rice and 20 items of groceries, from the supplier of Singarajan Online Rice Store, No.164/1, G.N.T.Road, Redhills, Chennai-600 052 to donate said rice and cloth to the Madras High Court Advocates Co-operative Society Limited, X-146, Chennai 600 104 canteen staff of 21 persons, altogether, Rs.1,41,865/- from the accumulated funds of FY 2016-17 of Jamunabail Trust Estate.

(b) A.No.1863 of 2021: permit the Official Trustee to utilise the accumulated funds of FY 2016-2017 of "M.M.Ispahani Trust" for purchasing a vehicle Maruthi Suzuki EECO TOUR V BS6 Yellow Board from the quotation of Khivraj Motors Private Limited, No.623, Anna Salai, Chennai-600 006 for Rs.5,12,000/- and from the quotation of Akshara Clothing, No.155/H, Karungaimeedu, Perumanallur Road, Kunnathur, Tirupur District-638 103 of 500 T-Shirts for Rs.1,30,000/-, altogether Rs.6,42,000/- to donate the same to the Uravugal Trust, No.12/22,

Dr.Radhakrishnan Nabar, 1st Street, Choolaimedu, Chennai-600 094.

(c) A.No.1864 of 2021 : permit the Official Trustee to utilise Rs.1,62,000/- from the accumulation of funds of Jamunabai Trust Estate of FY 2016-17 for purchasing 200 bags of 25 kg. rice, from the supplier of Singarajan Online Rice Store, No.164/1, G.N.T.Road, Redhills, Chennai-600 052 to donate said rice to the Thiruvannamalai Sattiya Dharumacchalai Nitya Annadhanam, No.15A, Peigopuram Street, Thiruvannamalai.

(d) A.No.1865 of 2021 : permit the Official Trustee to utilise Rs.1,54,875/- from the accumulation of funds of Jamunabai Trust Estate of FY 2016-17 for purchasing 5000 meters of Ghada cloth from the supplier of Kodi Enterprises, No.183, Ground Floor, 6th Cross, TVS Nagar, Korattur, R S, Chennai 600 076 to donate said Ghada Cloth to Uravugal Trust, No.12/22, Dr.Radhakrishnan Nagar, 1st Street, Choolaimedu, Chennai-600094.

2. The learned Official Trustee of Tamil Nadu has filed a report dated 20.04.2021 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 learned 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 administration of “Hajee Mehdi Ispahani Charities” is governed by a Scheme Decree dated 21.02.1972 in C.S.No.15 of 1967 on the file of this Court. The Official Trustee of Tamil Nadu is the custodian of the properties and as such the Office of the Administrator General and Official Trustee of Tamil Nadu is administering the Trust Estate of MM Ispahani as per the order of the High Court.

(c) The object of the Trust Estate of M.M.Isphahani reveals that to spend the income realized from the properties of the charities for education and medical help of poor deserving Shia Muslims. The Schedule-B para 2 of the said Scheme Decree dated 21.02.1972 is as follows:

“2. The objects of the charities are to spend the income realised from the properties of the charities for purposes enumerated in Clause 8 of this scheme and for education and medical help of poor deserving Shia Muslims”.

(d) As per the orders of this Court in O.P.No.88 of 1960, dated 23.09.1960, the Official Trustee of Madras has been appointed as the Sole Custodian Trustee to manage the properties and administer the Trust Estate of Jamunabai. The charities are being performed from the trust as per Will dated 28.08.1905 and the Scheme Decree dated 03.07.1964 framed by this Hon'ble Court in C.S.No.91 of 1963. The two main objects of the trust are Temple Charities and Educational Charities.

(e) One Mr.N.Khaalid Ahamed, founder of Uravugal Trust, No.12/22, Dr. Radhakrishnan Nagar, 1st Street, Choolaimedu, Chennai 600 094, a NGO, has given a letter dated 17.04.2021 through the Dean, Kilpauk Medical College Hospital, who recommended the request, stating that they are registered service organization carrying out mainly burial of an unknown and unclaimed corpse from the Hospital and other and other similar activities free of cost for the past four years, mainly from the Mortuaries located in Chennai and close to Chennai area. To carry out the activities they required an Ambulance or Yellow Board vehicle of any four wheeler. He further requested 500 T-Shirts for volunteers and 300 meter of white Gaada Cloth per month for the burial activities.

(f) He also enclosed the copy of trust deed and other required documents of Uravugal Trust. The documents submitted by Mr.N.Kaalid Ahamed and interaction with him, it reveals that his request to provide any four wheeler vehicle to utilize for burial of an unknown or unclaimed corpse

and similar activities free of cost is genuine one. When enquired Mr. N.Kaalid Ahamed, he stated that he would use the vehicle only for the purpose stated above and not for any personal use. Once, vehicle is given, he has to take care of his vehicle at his own, fuel expenditure, maintenance and future insurance etc. It is a onetime donation of vehicle that he agreed. The requirement of Uravugal Trust to provide T-Shirt for volunteers and Gaada Cloth for burial activities is also genuine one. To his genuine cause and the Official Trustee will join with him to help the needy poor.

(g) One Mr.R.Shankar, President of Thiruvannamalai Sattiya Dharumacchalai Nitya Annadhanam, No.15A, Peigopuram Street, Thiruvannamalai, a NGO, has given a letter dated 16.04.2021 stating that they are doing poor feeding (Annadhanam) for 300 people in morning and noon at the subject place. Hence, they needed rice and groceries for doing poor feeding.

(h) After interaction with him, it reveals that his request to provide rice and groceries for poor feeding is genuine one. Moreover the said NGO is a tenant under the Official Trustee and recently rent and advance was revised and they paid the revised rent and advance. To their genuine cause and the Official Trustee may join with them to help the needy poor for feeding.

(i) The following quotations were called for the four wheeler to donate to Uravugal Trust:

Sl. No.	Supplier Company	Vehicle Name & Model	Rate
1.	Khivraj Motors Private Limited, No.623, Anna Salai, Chennai-600 006.	Maruthi Suzuki EECO CARGO (Yellow Board) BS6	Rs.4,90,000/-
2.	Khivraj Motors Private Limited, No.623, Anna Salai, Chennai-600 006.	Maruthi Suzuki EECO TOUR V BS6 Yellow Board	Rs.5,12,000/-
3.	AIE CARS, T.Nagar,	Maruthi Suzuki EECO 5 Seater A/C (Commercial)	Rs.5,40,555/-

The Khivraj Motors Private Limited has given two quotations for the Four wheeler, but Maruthi Suzuki EECO TOUR V BS6 Yellow Board model is a feasible one as requested by the Uravugal Trustee, hence, it may be accepted to purchase and donate to Uravugal Trust.

(j) For 500 quantity of T-shirts quotation is received from one supplier Akshara Clothing, No.155/H, Karungaimedu, Perumanallur Road, Kunnathur, Tirupur District 638 103, with a cost of Rs.1,30,000/- is quite reasonable and may be accepted to purchase. The Uravugal Trust has been purchasing the T-Shirt from them periodically. The institution name is to be

printed in the T-Shirts and the said work has been done by the said supplier. Hence, it may be accepted. For Ghada cloth, as discussed, for one year purpose, 5000 metres Ghada cloth quotation was received for total price of Rs.1,54,875/- from Kodi Enterprises, No.183, Ground Floor, 6th Cross, TVS Nagar, Korattur, R S, Chennai 600 076. The price quoted by them is reasonable one and it may be accepted.

(k) For donating rice to the Thiruvannamalai Sattiya Dharumacchalai Nitya Annadhanam, No.15A, Peigopuram Street, Thiruvannamalai, a quotation was called for from the vendor Singarajan Online Rice Store, No.164/1, G.N.T.Road, Redhills, Chennai 600 052 and quoted Rs.1,62,000/- for 200 bags of 25kg rice with delivery charges and it is reasonable as already purchased from them recently for other charity purpose may be accepted to purchase.

(l) When the Madras High Court Advocate Clerks Association requested for charity during Aug-Sep, 2020, the staff of Madras High Court Advocate Co-Operative Society Limited Canteen were also included in the said charity. As per the orders passed in A.Nos.1745 & 1746 of 2020 charity has been given to the Advocate Clerks in Chennai about 800 plus. At that time the canteen staff was not available in Chennai and therefore, no charity has been extended to them.

(m) The Manager of the said Canteen Mr. Loganathan made an appeal by letter dated 19.04.2021 requesting the Official Trustee that during then COVID-19 period the canteen was not functioned and they requested the Official Trustee to help them at any way to come out from the COVID-19 crisis. He was directed to bring suitable letter from Special Officer from the said canteen to consider their request. The canteen Special Officer has given a letter dated 19.04.2021 stating that during COVID-19 the canteen was not functioned for 12 months and accordingly, they were not able to pay salary to their staff. He also made an appeal in the said letter to help the canteen staff at least to come over the COVID-19 financial crisis.

(n) On considering the COVID-19 situation and about 21 canteen staff for not able to maintain their livelihood the Official Trustee is of the firm opinion that adequate number of rice bags, groceries and some cloth may be donated to them at least to save their life for some time to serve the foods in the canteen to the advocates in the near future. For supply of 21 items of Rice bags and Groceries a quotation was called for from Singarajan Online Rice Store, No.164/1, G.N.T.Road, Redhills, Chennai 600 052 for 21 packages which consist of 75kg boiled rice and 20 items of groceries, which will meet at least 2 to 3 months to save their family at their native. In addition to that for donation of bed sheet, saree, lungi, shirt, towel and face mask for all 21 persons quotation was availed from New Cholan Matching, No.247, R.K.Mutt Road, Mylapore, Chennai 600 004 for total value of

Rs.20,790/-. Both the rice supplier and cloth supplier have already supplied in the past for other charities and the price quoted by them is reasonable and it may be accepted to purchase and to donate to the canteen staff.

(o) One Trust Estate of MM Ispahani and object of the trust estate is to help by providing medical treatment etc. as narrated above. The Trust Estate of Jamunabai is also having the object of poor feeding in the temple. By way of Doctrine of Cypress from the MM Ispahani Trust Estate accumulation of funds for the FY 2016-2017 and Jamunabai Trust Estate accumulation funds of FY 2016-17, the expenditure may be meted out to purchase vehicle, T-Shirts and Ghada Clothes and Rice and donate the same to Uravugal Trust.

(p) The accumulated funds of FY 2016-17 from the Trust Estates of MM Ispahani and Jamunabai the following amounts may be utilized to donate the Four Wheeler, T-Shirts, Ghada cloth and Rice.

Sl. No.	Name of the Estate	Items	Amount in Rs.
1.	MM Ispahani	Four Wheeler T-Shirts	6,42,000/-
2.	Jamunabai	Ghada Cloth Clothing Rice	4,58,740/-

	Rice & Groceries	
TOTAL		11,00,740/-

Hence, the Official Trustee has filed the present 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.

28.04.2021

Speaking Order: Yes

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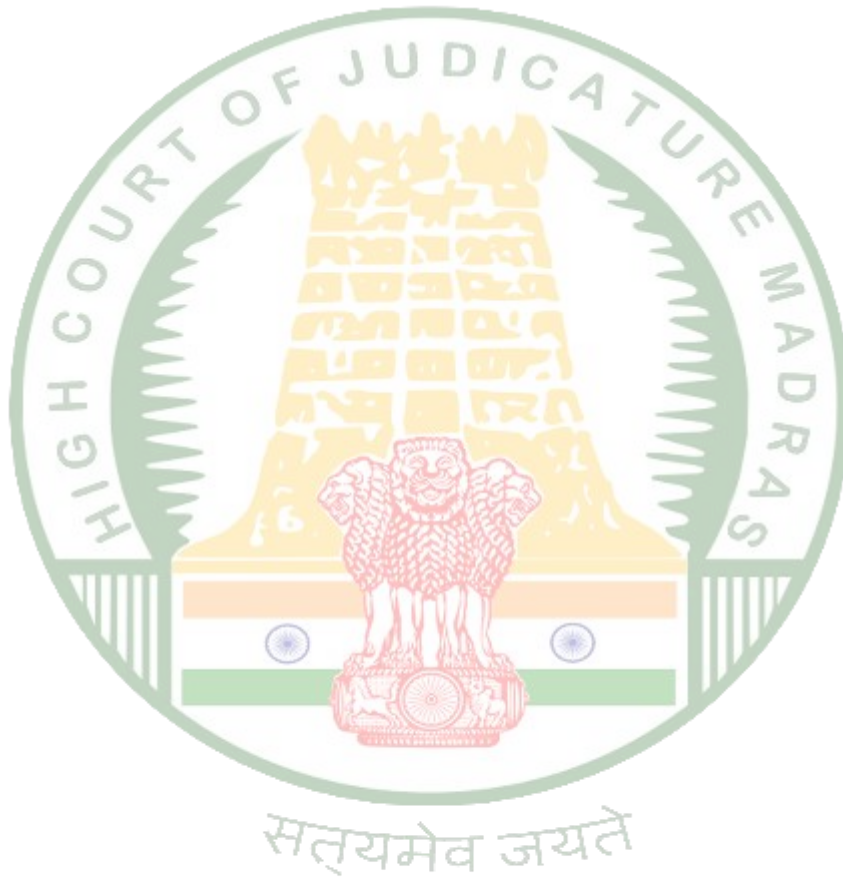
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R.SUBBIAH, J



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