

Order dated 30.04.2021 in
Application Nos.1941 to 1943 of 2021
in C.S.No.177 of 1939

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.04.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1941 to 1943 of 2021
in
C.S.No.177 of 1939

In the matter of George VI by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India.

Official Trustee of Tamil Nadu,
High Court Campus,
Chennai-10

.. Applicant in all the applications

Applications filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of Madras High Court and under Section 25 of the Official Trustees Act 11 of 1913, praying for the following reliefs:

(a) A.No.1941 of 2021 in C.S.No.177 of 1939: To permit the Official Trustee of Tamil Nadu to utilise the accumulated funds of Financial Year 2016-2017 of "MOPL Trust" for purchasing Ten quantity of Dell Computer System from the lowest quotation of DELL Exclusive Store, AA-74/109, 4th Avenue, Shanthi Colony Main Road, Anna Nagar, Chennai-40 for

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Rs.3,70,000/- and from the lowest quotation of Devraj Computers (P) Limited, Gee Gee Complex, Ground Floor, No.42, Mount Road, Chennai-600 002 of Interactive Flat Panel Display for Rs.1,41,500/-, altogether Rs.5,11,500/-, to donate the same to the Deaf Enabled Foundation, at Old No.7, New No.8, Nelson Manickam Road, 2nd Floor, Choolaimedu, Chennai-600 094.

(b) A.No.1942 of 2021 in C.S.No.177 of 1939: To permit the Official Trustee of Tamil Nadu to utilise the accumulated funds of Financial Year 2016-2017 of "MOPL Trust" for purchasing a vehicle Maruthi Suzuki EECO 5 STR A/C from the lowest quotation of Meenakshi Auto Zone Private Limited, No.813, D & E Thiruthangal Main Road, Sivakasi - 626 123 for Rs.5,25,455/- from the lowest quotation of Anandha's Kitchenware, No.180/440, West Masi Street, Madurai-1 of Kitchen equipments for Rs.3,18,742/- and from the lowest quotation of Satya Agencies (P) Limited, 370-A, Palayamkottai Road, Tuticorin - 628 002 of Whirlpool Washing Machine for Rs.19,250/-, altogether Rs.8,63,447/- to donate the same to the Shaaron Special School for the mentally retarded Children, 78-C, Kalangapperi Road, Sarron Garden, K.R.Nagar (P.O), Rajapalayam - 626 108.

(c) A.No.1943 of 2021 in C.S.No.177 of 1939: To permit the Official Trustee of Tamil Nadu to utilise the accumulated funds of Financial Year 2016-2017 of "MOPL Trust" for purchasing Tonometer from the quotation of Nehtra Instruments, MIG-134, Ground Floor, 8th Street, Mugappair Eri

Scheme, Chennai-600 037, for Rs.4,00,000/- and from the quotation of Synergy Biomed Services, No.40, Gangaianman Koil Street, 2nd Floor, Jafferkhanpet, Ashok Nagar, Chennai-600 083, of ECG Machine for Rs.65,000/-, altogether Rs.4,65,000/- to donate the same to the Rathinagiri Rural Hospital Trust, Rathinagiri-Killminnal, Vellore District, Tamil Nadu.

For appellant : Mr.B.Vijay for Official Trustee in all the applications

COMMON ORDER

These applications are filed for the following reliefs:

(a) A.No.1941 of 2021 in C.S.No.177 of 1939: To permit the Official Trustee of Tamil Nadu to utilise the accumulated funds of Financial Year 2016-2017 of "MOPL Trust" for purchasing Ten quantity of Dell Computer System from the lowest quotation of DELL Exclusive Store, AA-74/109, 4th Avenue, Shanthi Colony Main Road, Anna Nagar, Chennai-40 for Rs.3,70,000/- and from the lowest quotation of Devraj Computers (P) Limited, Gee Gee Complex, Ground Floor, No.42, Mount Road, Chennai-600 002 of Interactive Flat Panel Display for Rs.1,41,500/-, altogether

Rs.5,11,500/-, to donate the same to the Deaf Enabled Foundation, at Old No.7, New No.8, Nelson Manickam Road, 2nd Floor, Choolaimedu, Chennai-600 094.

(b) A.No.1942 of 2021 in C.S.No.177 of 1939: To permit the Official Trustee of Tamil Nadu to utilise the accumulated funds of Financial Year 2016-2017 of "MOPL Trust" for purchasing a vehicle Maruthi Suzuki EECO 5 STR A/C from the lowest quotation of Meenakshi Auto Zone Private Limited, No.813, D & E Thiruthangal Main Road, Sivakasi - 626 123 for Rs.5,25,455/- from the lowest quotation of Anandha's Kitchenware, No.180/440, West Masi Street, Madurai-1 of Kitchen equipments for Rs.3,18,742/- and from the lowest quotation of Satya Agencies (P) Limited, 370-A, Palayamkottai Road, Tuticorin - 628 002 of Whirlpool Washing Machine for Rs.19,250/-, altogether Rs.8,63,447/- to donate the same to the Shaaron Special School for the mentally retarded Children, 78-C, Kalangapperi Road, Sarron Garden, K.R.Nagar (P.O), Rajapalayam - 626 108.

(c) A.No.1943 of 2021 in C.S.No.177 of 1939: To permit the Official

Trustee of Tamil Nadu to utilise the accumulated funds of Financial Year 2016-2017 of "MOPL Trust" for purchasing Tonometer from the quotation of Nehtra Instruments, MIG-134, Ground Floor, 8th Street, Mugappair Eri Scheme, Chennai-600 037, for Rs.4,00,000/- and from the quotation of Synergy Biomed Services, No.40, Gangaianman Koil Street, 2nd Floor, Jafferkhanpet, Ashok Nagar, Chennai-600 083, of ECG Machine for Rs.65,000/-, altogether Rs.4,65,000/- to donate the same to the Rathinagiri Rural Hospital Trust, Rathinagiri-Killminnal, Vellore District, Tamil Nadu.

2. The learned Official Trustee of Tamil Nadu had filed a report, dated 28.04.2021, stating as follows:

(i) The Office of the Administrator General and Official Trustee of Tamil Nadu (A.G. & O.T) had been administering 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 A.G. & O.T. had 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.

(ii) The Office of the Official Trustee of Tamil Nadu is administering the Trust Estate of Madras Ordinance Pensioned Lascars Charities as per the Scheme Decree of this Court in C.S.No.177 of 1939, dated 01.08.1941 and performing the charities contained in the Scheme Decree.

(iii) One Tmt.T.Prema, Correspondent of Shaaron Special School for the mentally retarded children, 78-C, Kalangapperi Road, Sarron, K.R.Nagar (P.O), Rajapalayam, Virudhunagar District-626 108, a NGO, had given a letter dated 19.04.2021, stating that they are registered service organisation and their Special School was started in the year 1998 with three children and running successfully for the past 23 years. She further stated that, till now, more than 65 children have got trained from this School and gained knowledge. Now, 65 children are there in this School. The children studying in this School are staying in and around the villages and

they are the children of very poor parents. They are coming to School by free auto provided by the School. Due to the shortage of van, 5 autos are used to carry them. Hence, she is requesting for any four-wheeler to pick up the children from home and drop to School.

(iv) She further stated that now, the construction of Kitchen-cum-store room is going on in the School premises, for which, she has requested for Modern Kitchen equipments. She also enclosed a copy of the Income Tax statement and other required documents of Shaaron Special School. In this regard, the Principal District Judge, Virudhunagar District @ Srivilliputhur, was requested to inspect the Special School and send a report. Accordingly, he inspected the Special School on 21.04.2021 and submitted a report with some photograph. In his report, he stated that the School is running very genuinely in very good atmosphere. The documents submitted by Tmt.T.Prema and report submitted by the Principal District Judge, Virudhunagar District, reveals that her request to provide any four-wheeler vehicle to utilise for picking and dropping of the children to the Special School with free of cost, is genuine one. The vehicle is being used

only for the purpose stated above, and not for any personal use. Once, the vehicle is given, they have to take care of their vehicle at their own, fuel expenditure, maintenance and future insurance, etc. It is a one-time donation of vehicle. The requirement of Shaaron Special School for the kitchen equipments and washing machine, is also genuine one. To their genuine cause, the Official Trustee will join with them to help the needy poor.

(v) The following quotations were sent by the Shaaron Special School for the four-wheeler to donate the said Special School:

Sl.No.	Supplier Company	Vehicle Name & Model	Rate
1	Meenakshi Auto Zone Private Limited, No.813, D & E Thiruthangal Main Road, Sivakasi-626 123		Rs.5,25,455/-
2	ABT Maruti, 10/32, Padikasuvaithanpatti, Near R.T.O. Office, Srivilliputhur Main Road, Rajapalayam - 626 125.	Maruthi Suzuki EECO 5 STR A/C	Rs.5,27,779/-

Further, the lowest quotation received from the supplier Meenakshi Auto Zone Private Limited, No.813, D & E Thiruthangal Main Road, Sivakasi-

626 123, for purchasing Maruthi Suzuki EECO 5 STR A/C, may be accepted to purchase and donate to Shaaron Special School for the mentally retarded children, Rajapalayam.

(vi) For the kitchen equipments and washing machine, the following quotations were sent by the Shaaron Special School to donate the said Special School:

Sl. No.	Supplier Company	Item Name	Rate
1	Anandha's Kitchenware, No.180/440, West Masi Street, Madurai-1.	Kitchen equipments	Rs.3,18,742.00
	Karpaga Kitchen & Metal Works, Ukkadai, Ariyamangalam, Thanjavur Road, Near SMR Mahal, Trichy-10		Rs.3,24,583.00
2	Satya Agencies (P) Limited, 370-A, Palayamkottai Road, Tuticorin-628 002	Whirlpool Washing Machine	Rs.19,250/-
	Sri Renga Agencies, 278/A, Tenkasi Road, Rajapalayam.		Rs.19,650/-

Furthermore, the lowest quotation received from the supplier Anandha's Kitchenware, No.180/440, West Masi Street, Madurai-1, to purchase Kitchen Equipments, may be accepted to purchase and Satya Agencies (P) Limited, 370-A, Palayamkottai Road, Tuticorin-628 002, to purchase

Whirlpool Washing Machine, may be accepted to purchase and donate to Shaaron Special School for the mentally retarded children, Rajapalayam.

(vii) Further, one Ms.Ramya Miryala, Director of Deaf Enabled Foundation, at Old No.7, New No.8, Nelson Manickam Road, 2nd Floor, Choolaimedu, Chennai-600 094, a NGO, has given a letter with documents, dated 19.04.2021, stating that the Deaf Enabled Foundations was registered in 2009 under A.P. Societies Registration Act, 2001. They are running education and training centres, namely in Hyderabad, Vijayawada, Chennai, Thanjavur, Puducherry and Indore Program field locations, are in Tiruchirapalli, Pune, Mumbai, Visakhapatnam and Ahmedabad. Since 2009 onwards, more than 5200 deaf students have been trained and developed their skill and more than 2400 deaf people were employed/self-employed with this institution and totally near 7000 hearing impaired students were supported through the programs.

(viii) She further stated that the Deaf Enabled Foundation aims to take Computer Education to Deaf people in urban and rural areas, so that every trained student can benefit from it. The computer training towards

improving job skills, includes MS Office Package, Typing Speed, Creating/Designing Presentation, Photoshop and Corel Draw etc., for which, they requested for 10 computers with windows software, interactive flat panel display and financial assistance for their training operating expenses of Rs.20,000/- per month.

(ix) The Official Trustee inspected the said centre on 21.04.2021 and after interaction with the office bearer in Chennai Office, it reveals that their request to provide the computers and interactive flat panel display, are genuine one. To their genuine cause, the Official Trustee may join with them to help the Deaf people. The following quotations were sent by the Deaf Enabled Foundation for the computers and interactive flat panel display to donate to the said Deaf Enabled Foundation:

<i>Sl.No.</i>	<i>Supplier Company</i>	<i>Item</i>	<i>Rate</i>
	DELL Exclusive Store, AA-74/109, 4th Avenue, Shanthi Colony Main Road, Anna Nagar-40.		Rs.3,70,000/-
		Dell Vosro 3681 model Computer System-10 Nos.	Rs.3,80,000/-

<i>Sl.No.</i>	<i>Supplier Company</i>	<i>Item</i>	<i>Rate</i>
1	Devraj Computers (P) Limited, Gee Gee Complex, Ground Floor, No.42, Mount Road, Chennai-600 002		Rs.3,85,000/-
	Raj Electronics, No.21/3, Narasingapuram Street, Anjugam Building, Next to Irani Tea Shop, Chennai-600 002		
2	Devraj Computers (P) Limited, Gee Gee Complex, Ground Floor, No.42, Mount Road, Chennai-600 002	Interactive Flat Panel Display	Rs.1,41,500/-

The lowest quotation received for the Dell Computer System from the Supplier DELL Exclusive Store, AA-74/109, 4th Avenue, Shanthi Colony Main Road, Anna Nagar, Chennai-40, may be accepted to purchase and only one quotation received for Interactive Flat Panel Display from Devraj Computers (P) Limited, Gee Gee Complex, Ground Floor, No.42, Mount Road, Chennai-600 002, is quite reasonable one and it may be accepted to purchase and donate to Deaf Enabled Foundation, at Old No.7, New No.8, Nelson Manickam Road, 2nd Floor, Choolaimedu, Chennai-600 094.

(x) One Mr.Balamuruganadimai, Life Trustee of the Rathinagiri Rural

Hospital Trust, at Rathinagiri-Kilminnal, Vellore District, Tamil Nadu, made a request by letter with documents, dated 21.04.2021, requesting the Official Trustee that they are doing medical, education, Temple and public charities with the help of donation from the people and devotees. He further stated that the Retired Judge-Thiru.Palraj, from Chennai, have been frequently visiting the Rathinagiri Temple and during his visit, he knew the scarcity of medical equipments in the Rathinagiri Rural Hospital. After his consultation, they submitted the request for the following medical equipments for the Rathinagiri Rural Hospital Trust:

- (1) HUVITZ TONOMETER with smart Puffing contral Tech
- (2) E.C.G. Machine

(xi) The Official Trustee consulted with the Retired Judge - Thiru.Palraj and the Manager of the said Trust Mr.Siva, and for their request, it reveals that their request is genuine one. For these instruments, they have sent the following quotations from the suppliers, as follows:

<i>Sl. No.</i>	<i>Supplier Company</i>	<i>Instrument Name</i>	<i>Rate</i>
1	Nethra Instruments, MIG-134, Ground Floor, 8th Street, Mugappair Eri Scheme, Chennai-600 037	Huvitz Non Contact Tonometer Model-HNT-1	Rs.4,00,000/-
2	Synergy Biomed Services, No.40, Gangaianman Koil Street, 2nd Floor, Jafferkanpet, Ashok Nagar, Chennai-600 083	ECG Machine 12 Channel	Rs.65,000/-

(xii) Only one quotation is received for the Tonometer from the supplier Nethra Instruments, MIG-134, Ground Floor, 8th Street, Mugappair Eri Scheme, Chennai-600 037 and for the ECG Machine also, one quotation was received from the supplier Synergy Biomed Services, No.40, Gangaianman Koil Street, 2nd Floor, Jafferkanpet, Ashok Nagar, Chennai-600 083 and these quotations are quite reasonable one and may be accepted to purchase Tonometer and ECG machine from the said suppliers and to donate to the Rathinagiri Rural Hospital Trust, Rathinagiri-Killminnal, Vellore District, Tamil Nadu.

(xiii) Furthermore, in 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, Kitchen equipments, Whirlpool Washing Machine, Computers, Interactive Flat Panel Display and Medical equipments to Shaaron Trust, Deaf Enabled Foundation Trust and Rathinagiri Rural Hospital Trust, respectively, which are useful for the needy poor students and people, by invoking the "Doctrine of Cypress" and the Office of the A.G. & O.T. may also join to help the needy people.

(xiv) From the accumulated funds of Financial Year 2016-17 from the Trust Estate of MOPL, the following funds may be utilised to donate the four-wheeler, kitchen equipments, Whirlpool Washing Machine, Computer, Interactive Flat Panel Display and medical equipments:

<i>Sl. No.</i>	<i>Items</i>	<i>Amount in Rs.</i>
1	Maruti Suzuki Van	5,25,455/-
2	Kitchen Equipments	3,18,742/-
3	Whirl Pool Washing Machine	19,250/-
4	Dell Computer	3,70,000/-
5	Interactive Flat Panel Display	1,41,500/-
6	Tonometer	4,00,000/-
7	ECG Machine	65,000
	Total	18,39,947/-

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, this applications are ordered as prayed for.

30.04.2021

Speaking Order: Yes

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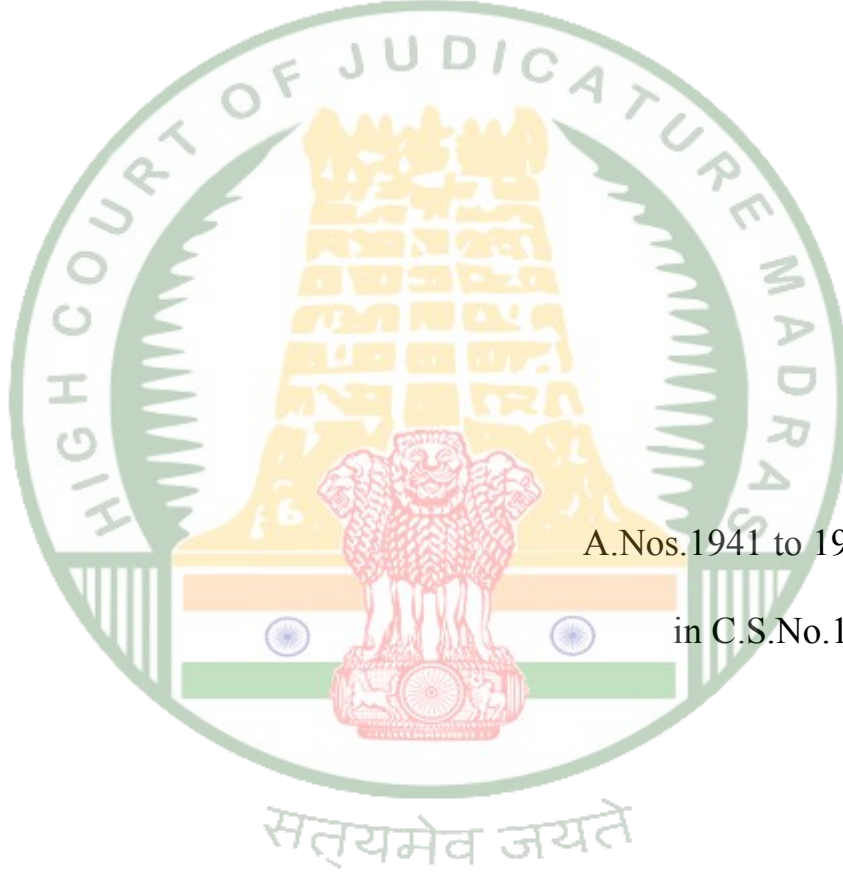
To

The Administrator General
and Official Trustee (A.G. & O.T),
High Court Campus,
Chennai-600 104.

Order dated 30.04.2021 in
Application Nos.1941 to 1943 of 2021
in C.S.No.177 of 1939

R.SUBBIAH, J

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