

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.06.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.2037 to 2042 of 2021

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

.. Applicant in all the applicaitons

Application No.2037 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustees Act 11 of 1913 praying to permit the A.G. & O.T. to utilise Rs.20,40,000/- from the accumulation funds of "MOPL Trust" of FY 2017-2018 for purchasing a Ashok Leyland Bus from the quotation of T.V.Sundaram Iyengar & Sons Private Limited, S.No.88/1, Salem to Bangalore Highway, Karuppur, Opp. Govt. College of Engineering, Salem-636 011 to donate the said Bus to Montfort Community School, Kombuthuooki, Kuravankdadu, Yercaud, Salem.

Application No.2038 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustees Act 11 of 1913 praying to permit the A.G. & O.T. to utilise Rs.81,928/- from the accumulation funds of "MOPL" Trust of FY-

2017-18 for purchasing the 200 Library Books from the Narmadha Pathipagam, No.10, Nanna Street, 1st Floor, Pondy Bazaar, T.Nagar, Chennai-600 017; 264 books from Techno Book House, No.19, Bunder Street, 1st Floor, Chennai-600 001; 61 books from The Hindu, Kasturi Buildings, Nos.859 & 860, Anna Salai, Chennai-600 002; 250 books from the Alliance Company, Publishers & Book Sellers, No.244, Ramakrishna Mutt Road, Mylapore, Chennai-600 004 and 169 books from Vikatan Media Service (P) Ltd., 757 Anna Salai, Chennai-600 002, altogether 944 books to donate the said Library Books to Montfort Community School, Kombuthooki, Kuravankadu, Yercaud, Salem.

Application No.2039 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustees Act 11 of 1913 praying to permit the A.G. & O.T. to utilise Rs.30,774/- from the accumulation funds of "MOPL" Trust of FY 2017-18 for purchasing the 61 Books from The Hindu, Kasturi Buildings, Nos.859 and 860, Anna Salai, Chennai-600 002 and 169 books form Vikatan Media Service (P) Ltd., 757, Anna Salai, Chennai-600 002, altogether 230 Books to donate the said Library Books to Thai Tamil Palli, Rosanai, Tindivanam-604 001.

Application No.2040 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustees Act 11 of 1913 praying to permit the A.G. & O.T. to utilise Rs.30,774/- from the accumulation founds of "MOPL" Trust of FY-

2017-18 for purchasing the 61 books from The Hindu, Kasturi Buildings, Nos.859 and 860, Anna Salai, Chennai-600 002 and 169 books from Vikatan Media Service (P) Ltd., 757, Anna Salai, Chennai-600 002, altogether 230 Books to donate the said Library Books to Sevalayan, Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District.

Application No.2041 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustees Act 11 of 1913 praying to permit the A.G. & O.T. to donate a periodical payment of Rs.20,000/- every month from RSRM Trust to Montfort Community School, Kombuthooki, Kuravankadu, Yercaud, Salem to feed the poor students studying in their school as mid-day meals from the date of the order.

Application No.2042 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustees Act 11 of 1913 praying to permit the A.G. & O.T. to give meritorious award of Rs.50,000/- to each one boy student and one girl student, who secured highest marks in XII examination as certified by the Headmaster/Principal of Montfort Community School, Kombuthooki, Kuravankadu, Yercaud, Salem from RSRM Trust with effect from the Academic Year 2020-21.

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

COMMON ORDER

These applications are filed for the following reliefs:

(a) Application No.2037 of 2021 is filed praying to permit the A.G. & O.T. to utilise Rs.20,40,000/- from the accumulation funds of "MOPL Trust" of FY 2017-2018 for purchasing a Ashok Leyland Bus from the quotation of T.V.Sundaram Iyengar & Sons Private Limited, S.No.88/1, Salem to Bangalore Highway, Karuppur, Opp. Govt. College of Engineering, Salem-636 011 to donate the said Bus to Montfort Community School, Kombuthuooki, Kuravankdadu, Yercaud, Salem.

(b) Application No.2038 of 2021 is filed praying to permit the A.G. & O.T. to utilise Rs.81,928/- from the accumulation funds of "MOPL" Trust of FY-2017-18 for purchasing the 200 Library Books from the Narmadha Pathipagam, No.10, Nanna Street, 1st Floor, Pondy Bazaar, T.Nagar, Chennai-600 017; 264 books from Techno Book House, No.19, Bunder Street, 1st Floor, Chennai-600 001; 61 books from The Hindu, Kasturi Buildings, Nos.859 & 860, Anna Salai, Chennai-600 002; 250 books from the Alliance Company, Publishers & Book Sellers, No.244, Ramakrishna Mutt Road, Mylapore, Chennai-600 004 and 169 books from Vikatan Media Service (P) Ltd., 757 Anna Salai, Chennai-600 002, altogether 944 books to donate the said Library Books to Montfort Community School, Kombuthooki, Kuravankadu, Yercaud, Salem.

(c) Application No.2039 of 2021 is filed praying to permit the A.G. & O.T. to utilise Rs.30,774/- from the accumulation funds of "MOPL" Trust of FY 2017-18 for purchasing the 61 Books from The Hindu, Kasturi Buildings, Nos.859 and 860, Anna Salai, Chennai-600 002 and 169 books from Vikatan Media Service (P) Ltd., 757, Anna Salai, Chennai-600 002, altogether 230 Books to donate the said Library Books to Thai Tamil Palli, Rosanai, Tindivanam-604 001.

(d) Application No.2040 of 2021 is filed praying to permit the A.G. & O.T. to utilise Rs.30,774/- from the accumulation funds of "MOPL" Trust of FY-2017-18 for purchasing the 61 books from The Hindu, Kasturi Buildings, Nos.859 and 860, Anna Salai, Chennai-600 002 and 169 books from Vikatan Media Service (P) Ltd., 757, Anna Salai, Chennai-600 002, altogether 230 Books to donate the said Library Books to Sevalaya, Kasuva Village, Pakkam Post, Near Thirunindravur, Thiruvallur District.

(e) Application No.2041 of 2021 is filed praying to permit the A.G. & O.T. to donate a periodical payment of Rs.20,000/- every month from RSRM Trust to Montfort Community School, Kombuthooki, Kuravankadu, Yercaud, Salem to feed the poor students studying in their school as mid-day meals from the date of the order.

(f) Application No.2042 of 2021 is filed praying to permit the A.G. & O.T. to give meritorious award of Rs.50,000/- to each one boy student and one girl student, who secured highest marks in XII examination as certified by the Headmaster/Principal of Montfort Community School, Kombuthooki,

Kuravankadu, Yercaud, Salem from RSRM Trust with effect from the Academic Year 2020-21.

2. The learned A.G. & O.T. had filed a report dated 20.05.2021, stating as follows:

(a) The Office of the Administrator General and Official Trustee of Tamil Nadu has been administrating more than 150 Trust Estates. There are properties to Trust Estate and rental income deriving from it are put it in fixed deposit. Out of the rental and interest income on fixed deposit the O/o 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 Hon'ble 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 Office of the Official Trustee of Tamil Nadu is administering the Trust Estate of Madras Ordinance Pensioned Luscars Charities as per the Scheme Decree of the Hon'ble High Court of Madras in C.S.No.177 of 1939 dated 01.08.1941 and performing the charities contained in the Scheme Decree.

(c) The administration of "The Rajah Sir Ramaswami Mudaliar's Choultry" and its allied endowments is governed by a Decree dated 18.08.1970 of this Court in C.S.No.90 of 1963. The management of the

Choultry and its allied charities has been vested in the Official Trustee of Tamil Nadu and thus the Trust Estate of Rajah Sir Ramaswami Mudaliar is now under the administration of the Official Trustee of Tamil Nadu.

(d) One Bro.George KJ, Correspondent of Monfort Community Trust situated at Kombuthooki, Kuravankadu, Yercaud, Salem, a NGO, has given a letter dated 08.04.2021, stating that the Monfort Community Trust is a Non-Government and Non profitable NGO serving the most backward and poor tribals (Scheduled Tribes-Malayalies) of the region. It is started in the year 2001, exclusively for the tribal children of the area covering 22 villages and many more hamlets. He further stated that it has 840 tribal students from LKG to XII. The children are provided with free nutritious meals at noon. They also receive stationery, books, uniform, footwear and sweaters free of cost without any gender or caste bias. With three School buses, free transport is provided for students of distant villages. Students are provided with free hostel and assistance to all students passing out of XII STD by helping them to get admission to various leading colleges and Institutions.

(e) The Correspondent further requested to provide one school bus and one Bolero Van for their students as recently the Central Government has come up with the 'Vehicle Scrap' policy and accordingly, all the 3 school buses are not road worthy from the next academic year, as they are more than 15 years old. They are in need to transport daily around 450

students morning and evening for the poor tribal children to attend the school. Hence, he is requesting for a new school bus from Ashok Leyland (38+D) and enclosed other required documents along with the quotation for Sunshine Ashok Layland Bus.

(f) From the documents submitted by Montfort Community School Trust and inspection of AG & OT on 13.04.2021 and interaction with its Correspondent, and other trustee, school teachers and students it reveals that their request to provide School Bus to utilize for the school is a genuine one. Considering the amount involved the Bolero Van could not be possible to donate. When enquired, they stated that they would use the vehicle only for the purpose stated above and not for any personal use. Once, vehicle is given, they have to take care of the vehicle at their own, fuel expenditure, maintenance and future insurance etc. It is a onetime donation of vehicle that he agreed. To their genuine cause the AG & OT may join with them to help the needy poor students.

(g) Since School Bus is unique one only one quotation is received from Montfort Community School Trust and details are given in the following tabular column:

Sl. No.	Supplier Company	Vehicle Name & Model	Rate
1.	T.V.Sundram Iyengar & Sons Private limited, S.No.88/1, Salem to	Ashok Leyland SS 1508 1T6RB Bus	Rs.20,40,000/-

Bangalore Highway, Karuppur, Opp. Govt College of Engineering, Salem 636 011.		
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The quotation received from the dealer, namely, T.V.Sundram Iyengar & Sons Private limited, S.No.88/1, Salem to Bangalore Highway, Karuppur, Opp. Govt College of Engineering, Salem 636 011 is unique one and reasonable and it may be accepted to purchase the Ashok Leyland Bus and donate to Montfort Community School Trust.

(h) After interaction with them, they also requested to donate Library books to the Monfort Community School. For this purpose for supply of above referred books, after several rounds of discussions with the suppliers top level executives / managers, the following quotations were called for to donate the books to Montfort Community School:

Sl. No.	Item	Vendor's Name	Discount	No. of Books	Total Amount in Rs.
1.	Various Title Books	Narmadha Pathipagam, No.10, Nana Street, 1 st Floor, Pondy Bazaar, T.Nagar, Chennai 600017.	35%	200	28,493.00
2.	Various Title	Techno Book	25% to	264	15,091.00

	Books	House, No.19, Bunder Street, 1 st Floor, Chennai 600001.	40%		
3.	Various Title Books	The Hindu, Kasturi Buildings, No.859 & 860, Anna Salai, Chennai600 002.	40%	61	9,347.00
4.	Various Title Books	The Alliance Company, Publishers & Book Sellers, No.244, Ramakrishna Mutt Road, Mylapore, Chennai600 004.	75%	250	7,570.00
5.	Various Title Books	Vikatan Media Service (P) Ltd, 757, Anna Salai, Chennai 600 002	35%	169	21,427.00
Total					81,928.00

(i) Since the above referred books are in unique and after persuading the suppliers the above discount price was given and the same may be considered by this Hon'ble Court to donate to the Montfort Community

School Trust.

(j) 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 Ashok Leyland Bus and Library Books which are useful for the needy poor students, by invoking the “Doctrine of Cypress”. The office of AG & OT may also join to help the needy people.

(k) In the past like similar situations, this Court has permitted the AG & OT to donate different type of vehicles to different institutions from different Trust Estates. Recently, the Official Trustee donated Rs.10,40,992/- as per the Hon’ble High Court order dated 01.04.2021 in Application Nos. 1384 to 1388 of 2021 in C.S.No. 200 of 1930 to Nethrodaya Trust, Chennai to purchase a vehicle (Van) Mahindra Bolero BS6 four wheeler from the accumulated funds for the FY 2016-2017 of Kadappakkam Charities Trust.

(l) The cost of the above mentioned Vehicle and Books may be meted out from the MOPL trust estate accumulated funds of FY 2017-18. The Official Trustee further submits that the following table will provide the expected cost for the above mentioned vehicle and equipments which are all to be meted out from the MOPL Trust estate Accumulated funds of FY 2017-18:

Sl. No.	Purpose	Amount in Rs.
1.	Ashok Leyland Bus	20,40,000/-
2.	Books 944 Nos.	81,928/-
Total		21,21,928/-

(m) There are about 840 students studying in their school, namely, Monfort Community Higher Secondary School. They are providing free noon meals every day to the children in their School. All services are free. The School is alive from the public contribution. In the given circumstances, when interacted they requested to provide adequate donation to feed the school children during mid day meals. They further requested to consider that the orphan children are studying in their school, one boy student and one girl student from XII examination who secures highest marks may be awarded by meritorious award and it will be helpful to them for their further studies. Their request is genuine one and the same may be considered by this Hon'ble court. The monthly periodical payment and meritorious award may be donated from the Trust estate of RSRM.

(n) The meritorious award may be given with effect from the academic year 2020-2021 of one boy student and one girl student who has secure highest marks in their XII examination with each Rs. 50,000/- as

certified by the Headmaster / Principal of Montfort Community School from the RSRM Trust Estate. This amount will be useful for their higher education purpose. To help for providing midday meals, the Official Trustee has suggested a sum of Rs.20,000/- per month may be donated from the date of order as periodical payment from the Trust Estate of RSRM.

(o) The main object of the RSRM Trust Estate is poor feeding. The Co-Trustee of RSRM Trust Estate Mr.Ramprasad has taken a lot of efforts to help the poor through the said trust. Since 2002, every year poor feeding is done to the various Orphanages, NGOs, and aged homes etc. Apart from that dress materials, books and allied stationeries have been donated then and there to the schools, orphanage etc. Medical equipments have been provided to RSRM hospital. In the recent past due to COVID-19 pandemic rice and groceries have been donated to group of 850 people and nearly 20 institutions of NGOs, Aged Home, and Orphanage etc. with considerable amount.

(p) The Official Trustee has earlier discussed the above facts with Mr.Ramprasad, Co-Trustee of RSRM at least to help from the Trust Estate of RSRM for Thai Tamil Palli School, Tindivanam. After hearing the story, Mr. Ramprasad immediately and intellectually has accepted the suggestion of the AG & OT for periodical payments for midday meals and meritorious award to the two students and it was ordered by this Hon'ble Court in A.Nos.262 to 269 of 2021 dated 08.02.2021. In the same way, now also the

periodical payment and meritorious award for one boy and girl student who secured highest mark in XII Standard in the Montfort Community School may be ordered by this Court.

(q) The Montfort Community School has been providing free meals about 840. The main object of the RSRM Trust is to provide poor feeding. Since, Montfort Community School is providing free meals to poor students, periodical payments may be given to Montfort Community School and through its service the intention of the Testator would be fulfilled to link the poor feeding to lift the poor students. Awarding scholarship to two meritorious students will help them to utilize for further studies. By way of “Doctrine of Cypress” this Hon’ble Court has power to extend it to the poor feeding of students and meritorious award to the students.

(r) In view of the above, a periodical payment of Rs. 20,000/- every month may be donated to Monfort Community School situated at Kombuthooki, Kuravankadu, Yercaud, Salem from the date of the order for poor feeding of noon meals to students studying in Montfort Community School. The Meritorious award of Rs.50,000/- each one boy and one girl student of XII pass and secured higher marks as certified by the Headmaster/Principal of Monfort Community School, Kombuthooki, Kuravankadu, Yercaud, Salem be given with effect from the academic year 2020-21. The Co-Trustee of RSRM Trust Mr.Ramprasad is kind heartedly accepted this proposal for poor feeding and students meritorious award to

the Montfort Community School.

(s) To meet out the expenditure, the Trust Estate has adequate Fixed Deposit of more than 3 Crore Rupees and out of the income derived from it more charities have been done. There is no difficulty to meet out the above periodical expenses for poor feeding and meritorious award to the school students of the XII standard pass. The meritorious student award cheque may be distributed either in the student's name or their parents/guardian name. The School authority has to submit necessary documents for students' meritorious award when called for by the Office of the AG & OT along with other procedural compliance.

(t) As per orders passed in A.Nos. 162 to 165 of 2021 in C.S.No.177 of 1939, dated 25.01.2021 and A.Nos. 262 to 269 of 2021, dated 08.02.2021 library books were donated to Sevalaya Trust, Thirunindravur and Thai Tamil Palli, Tindivanam respectively. At that time some other books from the Hindu publications and Ananda Vikatan publication were not available. Now, they have given quotation for some books with discount price. These books are included to donate to other school of Montfort Community School, Yercaud. In the given circumstances, the 61 books from Hindu publication and 169 books from Ananda Vikatan publications may be donated to Sevalaya Trust and Thai Tamil Palli. Total 230 books purchase rate comes to Rs.30,774/-. For two sets it comes to Rs.61,548/-. These amounts also may be meted out from the accumulation funds of MOPL

Trust Estate of FY 2017-2018. These books may be useful to the school students to equip their knowledge.

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.

02.06.2021

Speaking Order: Yes

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To

The A.G. & O.T.,

High Court Campus,

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