

Order dated 02.06.2021
in Appln.No.2029 of 2021 in O.P.No.88 of 1960

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.06.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application No.2029 of 2021

in

O.P.No.88 of 1960

The Official Trustee of Tamil Nadu,

Madras 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 Trustees Act 11 of 1913, praying to permit the Official Trustee to utilise Rs.11,19,238/- from the accumulation funds of "Jamunabai Trust" of FY 2017-2018 for purchasing a Mahindra Bolero B6 (O) BS-VI four wheeler from the quotation of Zulaika Motors Private Limited, GR Complex, No.808, Anna Salai, Nandhanam, Chennai-600 035 to donate the said Bolero four wheeler to Kudisai (Global Upliftment Trust), No.234-A, Thiruchandur Road, Palaymkottai, Tirunelveli District, Tamil Nadu 627

002.

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

ORDER

This application is filed praying to permit the Official Trustee to utilise Rs.11,19,238/- from the accumulation funds of "Jamunabai Trust" of FY 2017-2018 for purchasing a Mahindra Bolero B6 (O) BS-VI four wheeler from the quotation of Zulaika Motors Private Limited, GR Complex, No.808, Anna Salai, Nandhanam, Chennai-600 035 to donate the said Bolero four wheeler to Kudisai (Global Upliftment Trust), No.234-A, Thiruchandur Road, Palaymkottai, Tirunelveli District, Tamil Nadu-627 002.

2. The learned A.G. & O.T. had filed a report, dated 31.05.2021 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 to Trust Estates and rental income deriving from it are put it in fixed deposit. Out of the rental and interest income on fixed deposit, 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 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) As per the orders of the Hon'ble High Court of Madras in O.P.No.88 of 1960, dated 23.09.1960, the Official Trustee of Tamil Nadu has been appointed as the Sole Custodian Trustee to manage the properties and administer the Trust Estate of Jamunabai.

(c) 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 Court in C.S.No.91 of 1963 (O.S). The two among other object of the trust is for Temple charities and Educational charities.

(d) One Dr.S.Ramaguru, founder of Kudisai (Global Upliftment Trust) situated at No.243A, Thiruchandur Road, Palayamkottai, Tirunelveli District, Tamil Nadu 627 002, a NGO, running a trust called "Kudisai" for the past 16 years to serve the rural people in all walks of life without any funds. He sent a letter dated 05.05.2021 stating that they are doing formation of self-help groups for women and training them in MSME, awareness against alcoholism, religious and caste animosities, free medical camps etc. for the poor people and students. In their institutions 7 persons are working for monthly salaries and hundreds of volunteers are supporting their ventures of social activities, in and around Tirunelveli, Tenkasi and Thoothukudi districts.

(e) He further requested for four wheeler of Mahindra Bolero to pick up and drop the differently abled persons as they have insufficient funds to purchase the said vehicle. He also submitted required documents. He further states that one Mr. Paul Raj, retired District Judge is known to him and the said Mr.Paul Raj only informed him to send the request proposal to the Office of the AG & OT for help.

(f) From the documents submitted by Kudisai Trust and interaction with its founder, and Mr. Paul Raj, retired District Judge it reveals that their request to provide four wheeler to utilize for to pick up the differently abled from various places for training purpose is a genuine one. Training is one among the educational activities. 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 one-time donation of vehicle that he agreed. To their genuine cause the Official Trustee may join with them to help the needy poor people.

(g) The following quotations were received from Kudisai Trust and details are given in the following tabular column:

Sl. No.	Supplier Company	Vehicle Name & Model	Rate in Rs.
1.	Zulaika Motors Private Limited, GR Complex,	Mahindra Bolero B6 (O) BS-VI	

	No.808, Anna Salai, Nandhanam, Chennai 600 035.	11,19,238/-
2.	Derik Motors (P) Ltd.,No.7/147-A1, Nagercoil Road, Takkarammalpuram, Tirunelveli 627 007.	Rs.11,39,319/-
3.	Zulaika Motors Private Limited, No.308 & 308A, Velacherry Tambaram Main Road, Velacherry, Chennai 600 042.	Rs.11,46,988/-

The lowest quotation received from the dealer, namely, Zulaika Motors Private Limited, GR Complex, No.808, Anna Salai, Nandhanam, Chennai 600 035 may be accepted to purchase the Mahindra Bolero B6 (O) BS-VI and donate to Kudisai Trust.

(h) In the past like similar situations, this Hon'ble 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 Nethrodhaya Trust, Chennai to purchase a vehicle Mahindra Bolero B6 (O) BS6 from the accumulated funds for the FY 2016-2017 of Kadappakkam Charities Trust.

(i) The Accumulated Funds of FY 2017-2018 from the Trust Estate of

Jamunabai may be utilized for the purpose of purchasing of Mahindra Bolero B6 (O) BS-VI as one of the object of the Trust Estate of Jamunabai is for educational charities. The phrase “Scholarship to students of the Testator Legal Heirs” mentioned in the Scheme Decree of Jamunabai trust may be expanded to include within its ambit donating the Mahindra Bolero B6 (O) BS-VI which is useful for the differently abled and poor people, for their training purpose which is one among the educational activities by invoking the “Doctrine of Cypress”. Hence, the present application has been filed.

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.

02.06.2021

Speaking Order: Yes

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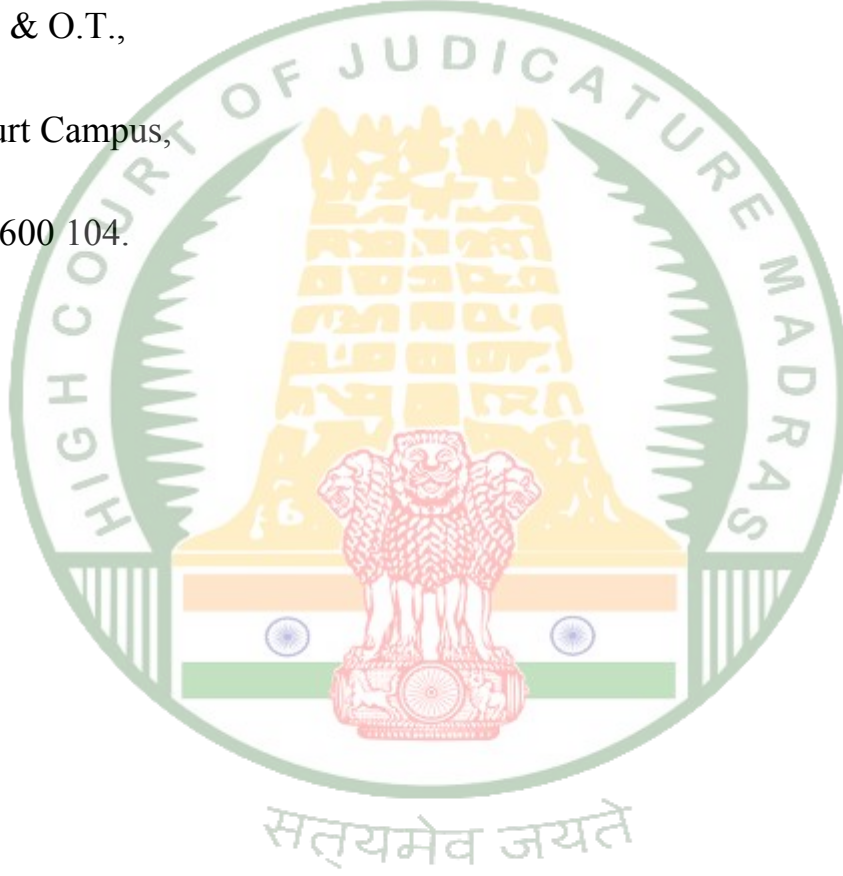
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To

The A.G. & O.T.,

High Court Campus,

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R.SUBBIAH, J

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