



Application Nos.3428 to 3430 of 2021
in O.P.No.278 of 1948

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.12.2021

Coram:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

**Application Nos.3428 to 3430 of 2021
in O.P.No.278 of 1948**

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

... Applicant in all 3 Applications

Application No.3428 of 2021 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 remove the thorny bushes and debris in the vacant land under the possession of Official Trustee at Medavakkam Lands, Purasawakkam Village, Chennai.

Application No.3429 of 2021 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 permit the Official Trustee to entrust the work to private contractor for removing the thorny bushes and debris in the vacant land under the possession of Official Trustee at Medavakkam Lands, Purasawakkam Village, Chennai.



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WEB COPY Application No.3430 of 2021 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 permit to utilize a sum of Rs.10,52,000/- (Rupees Ten Lakh and Fifty Two Thousand only) for removing the thorny bushes and debris in the subject property from and out of the funds of the Trust Estate of C.K.Naidu.

For Applicant: Mr.S.Raju,
(in all 3 Administrator General & Official Trustee
Applications)

COMMON ORDER

The Official Trustee has filed the above applications for the following reliefs:

(i)Application No.3428 of 2021- To remove the thorny bushes and debris in the vacant land under the possession of Official Trustee at Medavakkam Lands, Purasawakkam Village, Chennai.

(ii)Application No.3429 of 2021 - To entrust the work to private contractor for removing the thorny bushes and debris in the vacant land under the possession of Official Trustee at Medavakkam Lands, Purasawakkam Village, Chennai.

(iii)Application No.3430 of 2021 - To permit to utilize a sum of



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Rs.10,52,000/- (Rupees Ten Lakh and Fifty Two Thousand only) for removing the thorny bushes and debris in the subject property from and out of the funds of the Trust Estate of C.K.Naidu.

2.The Official Trustee of Tamil Nadu has filed a report dated 22.09.2021 stating as follows:

“The Official Trustee of Tamil Nadu humbly submits that the Trust Estate of C.Kandasamy Naidu is being administered by the office of the Official Trustee of Tamil Nadu as per the Will of the Testator dated 21.05.1948 [D1]

2.The Official Trustee further submits that said the Trust Estate had approximately 391.25 grounds of land in Medavakkam, Purasaiwakkam Taluk. At the time of vesting and in the year 1985 the Tamil Nadu Housing Board had acquired an extent of 103.0796 ground of land under the Tamil Nadu Land Acquisition Act.

3.The Official Trustee further submits that the land is of a vast extent and is now lying vacant with attempts of encroachment from all sides. Hence, the Additional Deputy AG & OT along with Thiru.K.Velusamy, Junior Engineer, Estate Clerk and the Panel Advocate were deputed to survey and earmark the lands with the help of the Surveyor of



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Purasawakkam Taluk. On their inspection, it was found that the entire trust lands were fully covered with thorny bushes and it is difficult to go inside and do survey and earmark the lands. Hence, they returned back without surveying the trust lands.

4.The Official Trustee further submits that the Tahsildar, Purasawakkam Taluk sent a letter in R.C.No.A2/1331/2021 dated 17.08.2021 [D2] stated that the entire trust land is fully covered with thorny bushes and the place is not in suitable condition for earmarking the boundaries of the subject property.

5.The Official Trustee further submits that the Junior Engineer attached to the Office of the Administrator General and Official Trustee of Tamil Nadu was deputed to inspect the property and give estimation to clear thorny bushes and debris. He had inspected the property on 16.08.2021 and had submitted his estimation of Rs.8,25,000/- (Rupees eight lakhs twenty five thousand only) (appx.) for clearing the thorny bushes and debris in the property [D3]. In the above estimate the G.S.T. amount was not added and the PWD current schedule of rates for the year 2021-22 is approved and published by PWD on 13.09.2021. Hence, he resubmitted the report on 20.09.2021 with re-estimation of Rs.10,52,000/- (Rupees ten lakhs fifty two thousand only)



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6.The Official Trustee further submits that in this regard, a Note order was submitted to the Hon'ble Portfolio Judge for AG & OT for clearing off thorny bushes and debris from the lands of Medavakkam and it was approved on 18.08.2021 [D5].

7.The Official Trustee of Tami Nadu further submits that the funds position of the Trust Estate of CK Naidu is detailed below: [D6]

Total Fixed Deposit Receipts	Rs.4,46,49,704/-
Less: Corpus	Rs. 7,86,300/-

	Rs.4,38,63,404/-
Cash balance as on 20.09.2021	Rs. 27,73,349/-

Fund Position as on 20.09.2021	Rs.4,66,36,753/-

(Rupees four crores sixty six Lakh thirty six thousand seven hundred and fifty three Only)

Hence, these applications are filed for the relief stated supra.



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4.Taking into consideration the above report and on perusal of the same, this Court accepts the said report and accordingly, the Application are ordered as prayed for.

va

03.12.2021

To

The Administrator General and Official Trustee
High Court, Madras.



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M.DURAISWAMY, J.

va

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