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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 30TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.No.1437 of 2022

in

C.S.No.204 of 1940

In the matter of The Mylai
Kandappa Chetty and Arunachala
Chetty Trusts and Charities.

1.M.Singaravelu Chetty,
“Saraswathi Vilas”,
Santhome High Road,
Mylapore, Madras.

2.M.V.Abbu Chetty,
S/o Veerappa Chetty,
New Fisherman Village Settlement,
Near Lloyds Road, Mylapore,
Madras.

3.K.Ayyavoo Mudaliar,
S/o K.Angamuthu Mudaliar,
No.2/27, Irusappa Gramani Street,
Krishnampet, Triplicane, Madras.

4.K.P.Kothandarama Chetty,
S/o Ponnusamy Chetty,
Kottivakkam Village,
Near Thiruvannamiyur, Saidapet Taluk,
Chingleput District.

... Plaintiffs

-VS-



1.Munusami Chetty,
S/o Venkatachala Chetty,
Battumodu, Old Rifle Range,
Santhome High Road, Mylapore,
Madras.

2.M.Balaji Chetty,
S/o M.Munuswami,
Assistant Inspector of Fisheries,
Mopaud, Nellore District.

3.M.Ramachandra Chetty,
S/o M.Munusami,
Battumodu, Old Rifle Range,
Mylapore, Madras.

... Defendants

A.No.1437 of 2022:-

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

...Applicant

Application praying that this Hon'ble Court be pleased to permit to utilize Rs.20,00,000/- (Rupees Twenty Lakhs Only) from the accumulation funds of “MKA Trust Estate” of FY 2018-19 to donate to Sri Ramacharan Charitable Trust, No.115, Sir P.S.Sivaswami Salai, Mylapore, Chennai.

This Application coming on this day before this court for hearing in the presence of Mr.S.Raju, Administrative General and Official Trustee,



summons and the report of the Official Trustee of Tamil Nadu filed herein,
it is ordered as follows:-

That the Official Trustee of Tamil Nadu, the applicant herein be and is hereby permitted to utilize Rs.20,00,000/- (Rupees Twenty Lakhs Only) from the accumulation funds of “MKA Trust Estate” of FY 2018-19 to donate to Sri Ramacharan Charitable Trust, No.115, Sir P.S.Sivaswami Salai, Mylapore, Chennai.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 30TH DAY OF MARCH 2022.

Sd/-
ASSISTANT REGISTRAR (O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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30.03.2022

A.No.1437 of 2022
in
C.S.No.204 of 1940

ORDER

DATED : 30.03.2022

THE HON'BLE MR. JUSTICE
M.DURAISWAMY

FOR APPROVAL: 30.03.2022

APPROVED ON: 30.03.2022



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... Plaintiffs

-VS-



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S/o Venkatachala Chetty,
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2.M.Balaji Chetty,
S/o M.Munuswami,
Assistant Inspector of Fisheries,
Mopaud, Nellore District.

3.M.Ramachandra Chetty,
S/o M.Munusami,
Battumodu, Old Rifle Range,
Mylapore, Madras.

... Defendants

A.No.1437 of 2022:-

The Official Trustee of Tamil Nadu,
High Court Campus,
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...Applicant

Application praying that this Hon'ble Court be pleased to permit to utilize Rs.20,00,000/- (Rupees Twenty Lakhs Only) from the accumulation funds of "MKA Trust Estate" of FY 2018-19 to donate to Sri Ramacharan Charitable Trust, No.115, Sir P.S.Sivaswami Salai, Mylapore, Chennai.

This Application coming on this day before this court for hearing

the court made the following order:-



The learned Official Trustee of Tamil Nadu has filed the above application in A.No.1437 of 2022 seeking permission to utilize Rs.20,00,000/- (Rupees twenty lakhs only) from the accumulated funds of “MKA Trust Estate” of Financial Year 2018-2019 to donate to Sri Ramacharan Charitable Trust, No.115, Sir P.S.Sivaswami Salai, Mylapore, Chennai.

2.The learned Official Trustee of Tamil Nadu has filed a report dated 28.03.2022 stating as follows:

“The Official Trustee of Tamil Nadu humbly submits that the office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] has been administering more than 150 Trust Estates. There are properties belonging to the Trust Estates and rental income derived from them are put 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. is being given to the NGOs and other institutions based on their request.

2.The Official Trustee further submits that the Trust Estate of Mylai Kandappa Arunachala Chetty is being administered by the Official Trustee of Tamil Nadu as per the



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order of this Hon'ble Court in C.S.No.204 of 1940 [D1]. The Trust Estate of MKA has various properties and fixed deposits. Out of the income generated from it the charities is being done as per the intension of the Testator and the orders of this Hon'ble Court.

3.The Official Trustee further submits that one Tmt. K.Bharathi, President of Sri Ramacharan Charitable Trust, No.115, Sri P.S.Sivaswami Salai, Mylapore, Chennai 600 004 an NGO, has given a letter dated 28.03.2022 [D2], requesting for financial assistant for running their existing project for rendering Montessori training to the poor and deprived children attached to the Chennai schools run by the Greater Chennai Corporation. They have further stated that as per the proceeding 19.02.2021 this applicant after getting orders in Appl.No.464 & 465 of 2021 from this Hon'ble Court had sanctioned a sum of Rs.10,26,000/- for one year project expenses for the year 2021-2022 [D3].

4.The Official Trustee further submits that the President has stated that the Commissioner of Greater Chennai Corporation had visited a school in which in their Montessori program is being implemented. Impressed by the environmental material and training imparted by them the Commissioner had announced the expansion of the training program to another 200 schools run by the Corporation. Due to the expansion of the program and coverage of more number of children from the under privileged section of the society. She has also submitted the Trust Deed dated 09.10.1999, Form 10AC, Registration under the FCRA Act and Statement of



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Accounts (2021-22) of the Trust **[D4 to D7]**.

5.The Official Trustee further submits that the President of Sri Ramacharan Charitable Trust has requested to sanction at least Rs.20,00,000/- towards their present project expenses for the academic year 2022-23.

6.The Official Trustee further submits that in the past like similar situations, this Hon'ble High Court has permitted the AG & OT to donate medical equipment to Hospitals, four wheelers for charity purpose, etc. have done from the Administrator General and Official Trustee of Tamil Nadu. It's are in exhaustive. Few references are as per the orders of the Hon'ble High Court in A.Nos.646 of 647 of 2020, medical equipments were donated to RSRM lying in Hospital, Royapuram, Chennai-13. A.Nos.1084 & 1085 of 2020 were ordered to donate books and other articles to 10,000 tribal students studying at hill area of all over Tamil Nadu districts.

7.The Official Trustee further submits that cost of the above mentioned expenditure of one time donations of Rs.20,00,000/- may be meted out from the MKA Trust Estate accumulated funds of FY 2018-19. The Official Trustee further submits that the MKA Trust Estate, there is a clause in scheme decree for doing charities to the deserved poor students by scholarship. Even after making such scholarships there is a surplus funds in use of the said Trust Estate. The objects of the charities may be expanded to include within its ambit to donate the project cost of the Montessori Training Program to the poor and deprived children attached to the Chennai Schools run by the Greater Chennai Corporation for the academic year 2022-



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23 to Sri Ramacharan Charitable Trust which is useful for the needy under privileged children's education by invoking the “doctrine of cypress”. The office of the Official Trustee may also be joined with them to help the needy children.”

3. Being satisfied with the report filed by the learned Official Trustee, this Court permits the learned Official Trustee to utilize Rs.20,00,000/- (Rupees twenty lakhs only) from the accumulated funds of “MKA Trust Estate” of Financial Year 2018-2019 to donate to Sri Ramacharan Charitable Trust, No.115, Sir P.S.Sivaswami Salai, Mylapore, Chennai.

4. The Application in A.No.1437 of 2022 is ordered.

Sd/-M.D.J.
30.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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