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A.No.4148 of 2021 in
C.S.No.187 of 1966

Application No.4148 of 2021 in

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V.BHAVANI SUBBAROYAN,J.,

This application is filed by the applicant / 3rd party to appoint him as the Managing Trustee of 'Srimathi Thiruvallam Thayammal Endowment Trust', thereby enabling him to operate the bank account of the trust being, Savings Bank Account No.481051637 of Indian Bank, Sowcarpet Branch for the purposes of collecting income and meeting lawful expenses of the Trust and authorising him to manage the properties of the Trust, morefully described under the schedule in the Judge's summons herein.

2. Heard Mr.P.B.Balaji, learned counsel for the applicant and Mr.M.R.Jothimanian, learned counsel for Administrator General and Official Trustee of Tamilnadu, [hereinafter referred to as 'A.G.& O.T.'] and perused the documents placed on record.

3. On scrutinising the documents placed on record, it is seen that the Scheme Decree was framed by this Court vide decree dated 08.01.1969 and Clause 5 of the Scheme Decree provides for constitution of a Board



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comprised of five members, out of which, the second member should be a Head Master of the primary school run by the Trust. Since the school itself was closed in the year 2005, the second category of the trustee cannot be appointed. Eventhough the applicant / 3rd party has filed the present application stating that he is the sole surviving trustee, now, he is not in a position to administer the Trust, hence he intends to handover the same. Hence this Court Suo moto impleaded A.G.& O.T. Thereafter, by order dated 10.02.2022, this Court directed the A.G.& O.T to file a feasibility report with regards alteration in trustee.

4. Accordingly, A.G.& O.T had submitted a report dated 09.03.2022 stating that the annual rental income derived from the properties belonging to 'Srimathi Thiruvallam Thayammal Endowment Trust' comes around to Rs.3,95,400/-, [that too if the tenants pay the rent regularly] and the bank balance was Rs.2,03,620/-. Thus, Rs.5,99,020/- was shown totally under the head 'Rental Income'. Out of the said amount, the repayment of loan and salary to the clerk are to be deducted and Rs.18,300/- ought to be spent for the charities and the following expenses are tabulated by A.G.& O.T :



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Sl.No.	Details	Amount in Rs. (p.a.)
01	Commission payable to the Government @ 7% on rental income	27,684.00
02	Audit fees & Schedule Charges @ 0.6%	2,376.00
03	Salary Payable 1. Estate Clerk (20000X 12)	2,40,000.00
	2. Office Boy (15000X12)	1,80,00.00
04	Income Tax	7,270.00
05	Property Tax	61,744.00
06	Water Tax	21,530.00
07	Stationery & Postages	3,000.00

Since the said report was not satisfactory, this Court by an order dated 24.03.2022 directed A.G.& O.T to file a detailed feasibility report.

5. Subsequently, an Engineer attached to the office of A.G.& O.T inspected the properties belonging to 'Srimathi Thiruvallam Thayammal Endowment Trust' and submitted a detailed / feasibility report on 28.04.2022. On a perusal of the said report, it is seen that 'Srimathi Thiruvallam Thayammal Endowment Trust' owns the following properties and **fixed the fair rent** as follows:-

- (a) No.31, Kalathy pillai Street, Sowcarpet, Chennai-1 -Rs. 8,77,200/-
- (b) No.21, Mangappan Street, Sowcarpet, Chennai – 1 -Rs. 3,21,672/-
- (c) No.97, Walltax Road, Sowcarpet, Chennai – 1 -Rs. 9,63,504/-



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(d) No.98, Walltax Road, Sowcarpet, Chennai – 1

-Rs.10,83,708/-

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Total

-Rs.32,46,084/-

6. This Court is fully in agreement with the enhanced fair rent stated above by the A.G.& O.T, vide Feasibility Report dated 28.04.2022 and the based on the same, the present application is disposed of in the following manner:-

(i) The A.G.& O.T shall fix the enhanced fair rent to all the tenants residing in the properties owned by 'Srimathi Thiruvallam Thayammal Endowment Trust', as per the feasibility report dated 28.04.2022.

(ii) Wherever the portion of the properties belonging to 'Srimathi Thiruvallam Thayammal Endowment Trust' are 'Vacant' or under 'Lock', the possession of the locked or vacant portion shall be taken over A.G.& O.T , and the same shall be let out to other persons by fixing the above said fair rent. The Estate Clerk shall be incharge of collecting the rents.

(iii) All the arrears of rent shall be collected by taking appropriate



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steps by A.G.& O.T.

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(iv) Out of the income arrived by fixing the fair rent, except the salary payable to (a) Estate Clerk and (b) Office Boy, all the other expenses stated by A.G.& O.T., vide report dated 9.3.2022 shall remain unaltered and the salary payable to (a) Estate Clerk is modified to Rs.40,000/- per annum from Rs.2,40,000/- per annum and the salary payable to the Office Boy is modified to Rs.20,000/- per annum from Rs.1,80,000/- per annum.

Further, the Feasibility Report dated 28.04.2022 and the Report dated 9.03.2022 submitted by A.G.& O.T., shall form part of record.

08.06.2022

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