



A. Nos.148 and 149 of 2023 in C.S. No.177 of 1939

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P.N. PRAKASH, J.

The Administrator General and Official Trustee has filed the instant two applications, viz.,

(i) A. No.148 of 2023 seeking permission to donate a periodical payment of Rs.10,000/- every month from Madras Ordinance Pensioned Luscars Trust, to the Nilgiris Adhivasi Welfare Association, Fair Glen Annexe, Kota Hall Road, Kotagiri 643 217 for meeting expenses relating to provision of noon meal to the children of the Victoria Armstrong Nursery & Primary School supported by NAWA; and

(ii) A. No.149 of 2023 seeking permission to donate Rs.14,60,000/- from the accumulation funds of FY 2018-19 of the Trust estate of “Madras Ordinance Pensioned Luscars” Trust to the Nilgiris Adhivasi Welfare Association, Fair Glen Annexe, Kota Hall Road, Kotagiri 643 217 to purchase medical equipment, to renovate NAWA Garkiyur Creche building, new kitchens and toilets and to renovate NAWA Mettukkal Creche building.



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2 In support of the Judge's summons, the Administrator General

and Official Trustee has filed his report dated 05.01.2023 in each of the applications, with same contents, which read thus:

“1. The Official Trustee of Tamil Nadu submits that the office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] is administering more than 150 Trust Estates. There are properties to the Trust Estates and the rental income derived 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 donations are made by way of things, articles and medical instruments etc. have been given to the NGOs and other institutions based on their request.

2. The Official Trustee further submits that the Trust Estate of Madras Ordinance Pensioned Luscars Charities is being administered by the Official Trustee of Tamil Nadu as per the orders dt.1.8.1941 of this Hon’ble Court in C.S.No.177 of 1939 [D1]. The Trust Estate of MOPL has various properties and fixed deposits. Out of the income generated from it the charities has been done as per the intension of the Testator and the orders of this Hon’ble Court.

3. The Official Trustee of Tamil Nadu humbly submits that there is an accumulation of fund for the FY 2018-2019, pertaining to the trust estate of MOPL, which has to be spent within five years before the FY 2023-2024.

4. The Official Trustee of Tamil Nadu humbly submits that the Principal District Judge, Udhagamandalam sent a letter dated 13.12.2022, [D2] enclosing the request letter of the Nawa - Niligiris Adivasi Welfare Association who are doing helps to the poor people by way of medical treatment and educational activity etc.,

5. The Official Trustee of Tamil Nadu humbly submits that further the District Judge, Udhagamandalam stated that the Nilgiris Adhivasi Welfare Association, Kotagiri given their profile with requirement. They are also conducting primary school and doing medical



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services. To pickup and drop the students from rural villages, a Bolero vehicle 2 Nos. may be provided. In addition to that, monthly payment of free noon meal to the children may be considered by fixing reasonable amount of Rs. 30,000/- per month. Considering that the said NGO is running English Medium of primary school, whoever the student, who secures first rank at the 5th level that student may be given scholarship of Rs. 15,000/- per student of each boy and girl of totally 2 students per year.

6. The Official Trustee of Tamil Nadu humbly submits that for the above said needs the Hon'ble District Judge, Udhagamandalam has mentioned the approximate cost for the above said proposal as follows. [D3]

Nilgiris Adhivasi Welfare Association Particulars		
Sl.No.	Particulars	Amount
1	Noon meal for the children of the Victoria Armstrong Nursery & Primary School supported by NAWA. Daily NAWA provides midday meals on an average to 110 students	Rs.60,000/- p.m
2	X-ray machine to NAWA kotagiri Hospital	Rs.7 Lakhs approx.
3	Two Mahindra Bolero jeeps for transporting school children in the morning and evening and also to ply for medical works - @ Rs.12 Lakhs X 2 Nos	Rs.24 Lakhs
4	To repair and extend existing hospital building in Kolikarai Hospital Rs.8.50 Lakhs and Arayure Hospitals 12.5 Lakhs (building material & construction cost)	Rs.21 Lakhs
5	NAWA Garkiyur Creche building renovation and new Kitchens and Toilets	Rs.5.50 Lakhs
6	NAWA Mettukkal Creche building renovation	Rs.2.10 Lakhs
7	Scholarship for 1 st and 2 nd rank students to continue in 6 th standard Rs.15,000 + Rs.10,000	Rs.25,000/- per year

7. The Official Trustee of Tamil Nadu humbly submits that after receiving the letter from the Hon'ble District Judge, Udhagamandalam, the office of the Administrator General and Official Trustee of Tamil Nadu has sent a mail with request to submit the quotation for the above said proposal. In reply to that, the NAWA – Niligiris has sent the quotation along with Trust deed on 30.12.2022 through email. The quotation is marked as Exhibit D4.



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8. The Official Trustee of Tamil Nadu humbly submits that the Administrator General and Official Trustee of Tamil Nadu proposed to donate an 1. X-ray machine to NAWA Kothagiri Hospital at the cost of 7 Lakhs, 2. NAWA Garkiyur Creche building renovation and new Kitchens and Toilets at the cost of 5.50 Lakhs, 3. NAWA Mettukkal Creche building renovation at the cost of 2.10 Lakhs and the Hon'ble District Judge, Udthagamandalam requests Rs. 30,000/- per month for Noon meal for the children of the Victoria Armstrong Nursery & Primary School supported by NAWA. Daily NAWA provides midday meals on an average to 110 students. Whereas the Administrator General and Official Trustee of Tamil Nadu proposed to donate Rs. 10,000/- per month for the Noon meal for the children of the Victoria Armstrong Nursery & Primary School.

9. The Official Trustee of Tamil Nadu humbly submits that the total cost for the above said proposal made by the Administrator General and Official Trustee of Tamil Nadu is as follows.

The Nilgiris Adhivasi Welfare Association, Kotagiri		
01	X-ray machine to NAWA Kothagiri Hospital at the cost of	7 Lakhs
02	NAWA Garkiyur Creche building renovation and new Kitchens and Toilets	5.50 Lakhs
03	NAWA Mettukkal Creche building renovation	2.10 Lakhs
Total		Rs. 14.60 Lakhs
Periodical Payment for every month		
04	Noon meal for the children of the Victoria Armstrong Nursery & Primary School supported by NAWA. Daily NAWA provides midday meals on an average to 110 students	Rs. 10,000/- per month

10. The Official Trustee further submits that the Administrator General of Tamil Nadu may be permitted to donate Rs. 14,60,000/- to purchase medical equipment, for the renovation of NAWA Garkiyur Creche building renovation and new Kitchens and Toilets and NAWA Mettukkal Creche building renovation to help the needy tribble people and the donation may be meted out from accumulation of fund for the FY 2018-2019, pertaining to the trust estate of Madras Ordinance Pensioned Luscars, which has to be spent within five years before the FY 2023-2024.



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11. The Official Trustee further humbly submits that this Hon'ble Court may be pleased to permit the Official Trustee of Tamil Nadu to donate a periodical payment of Rs. 10,000/- (Rupees Ten Thousand Only) every month from Madras Ordinance Pensioned Luscars Trust to the Nilgiris Adhivasi Welfare Association, Fair Glen Annexe, Kota Hall Road, Kotagiri – 643 217 for providing Noon meal to the children of the Victoria Armstrong Nursery & Primary School supported by NAWA. Expense with effect from the date of this order in favour of Nilgiris Adhivasi Welfare Association, Kotagiri having Saving Bank Account No. 62313030000060 at Canara Bank Kotagiri IFSC Code- CNRB0016321.

12. The Official Trustee further submits that as per the records in the Office of the Administrator General and Official Trustee of Tamil Nadu the funds position of the trust as on 05.01.2023 is as follows:- [D5]

Total Fixed Deposit Receipts	Rs.	7,74,57,060/-
LESS: Corpus	Rs.	1,75,000/-

	Rs.	7,72,82,060/-
ADD: Cash Balance as on 05.01.2023	Rs.	24,80,000/-

<u>Funds position as on 05.01.2023</u>	Rs.	<u>7,97,62,060/-</u>

(Rupees Seven Crore Ninety Seven lakh Sixty Two Thousand and Sixty Only)

The Official Trustee of Tamil Nadu humbly submits and prays that this Hon'ble Court may be pleased to permit the Official Trustee:

- (i) To permit the Administrator General and Official Trustee of Tamil Nadu to donate Rs. 14,60,000/- (Fourteen Lakhs Sixty Thousand only) from the accumulation funds of FY 2018 – 19 of the Trust Estate of “Madras Ordinance Pensioned Luscars” Trust to the Nilgiris Adhivasi Welfare Association, Fair Glen Annexe, Kota Hall Road, Kotagiri – 643 217 to purchase medical equipment, to renovate NAWA Garkiyur Creche building, new Kitchens and Toilets and to renovate NAWA Mettukkal Creche building and thus render justice.
- (ii) To permit the Official Trustee of Tamil Nadu to donate a periodical payment of Rs. 10,000/- (Rupees Ten Thousand Only) every month from Madras Ordinance Pensioned Luscars Trust to the Nilgiris



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Adhivasi Welfare Association, Fair Glen Annexe, Kota Hall Road, Kotagiri – 643 217 for providing Noon meal to the children of the Victoria Armstrong Nursery & Primary School supported by NAWA. Expense with effect from the date of this order in favour of Nilgiris Adhivasi Welfare Association, Kotagiri having Saving Bank Account No. 62313030000060 at Canara Bank Kotagiri IFSC Code- CNRB0016321.”

Having heard the submissions made by the Administrator General and Official Trustee and perused the materials available on record, this Court accepts the reports dated 05.01.2023 filed by the Administrator General and Official Trustee and accordingly, these applications stand ordered.

09.01.2023

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