

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 31ST DAY OF AUGUST 2016

THE HON'BLE MR. JUSTICE M.JAICHANDREN

A. Nos.4520 to 4521 of 2014

in

O.P.No.316 of 1939

In the matter of the estate of
Vaduvambal

1.Ponnuswami Chetty

2.Parvati Ammal

..Applicants

Vs.

T.S.Gangadhara Chetty

..Respondent

A.Nos.4520 to 4521 of 2014:-

The Administrator General of Tamilnadu
High Court Campus, Chennai-104.

..Applicant

VS

1.S.Selvi,
21, Perianna Mudali Street,
George Town, Chennai-1.

2.Jaya,
D/o.Lakshmi, (Deceased)
21, Perianna Mudali Street,
George Town, Chennai-1.

3.Palaniraj
S/o.M.V.Thirumalai Raj (Deceased)
21, Perianna Mudali Street,
George Town, Chennai-1.

4.E.Mani
S/o.Elumalai
21, Perianna Mudali Street,
George Town, Chennai-1.

5.A.Udaya Kumar
A/o.Arumugam,
21, Perianna Mudali Street,
George Town, Chennai-1.

..Respondents

A.No.4520 of 2014:-

Application praying that this Hon'ble Court be pleased to;

i)direct the respondents 1 to 5 to quit and deliver vacant possession of the portion in respect of the premises bearing Door No.21, Perianna Mudali Street, George Town, Chennai 600 001.

ii)cost of this application should come out of the funds of the estate.

A.No.4521 of 2014:-

Application praying that this Hon'ble Court be pleased to;

i)direct the respondents 1 to 5 to pay the amount to be fixed by this Hon'ble Court as damages for use and occupation of the said premises from July 2014 to till the date of delivery of possession.

ii)cost of this application should come out of the funds of the estate.

Schedule

Premises bearing Door No.21 Peirianna Mudali Street, George Town, Chennai-1 measuring about 1820 sq.ft.

These Applications coming on this day before this Court for hearing the court made the following order:

1 Application No.4520 of 2014 has been filed, seeking a

direction to the respondents to quit and deliver the vacant possession of a portion, in respect of the premises, bearing Door No.21, Perianna Mudali Street, George Town, Chennai-1.

2 Application No.4521 of 2014 has been filed, seeking a direction to the respondents to pay the amount to be fixed by the Court, as damages, for the use and occupation of the said premises, from July 2014, till the date of delivery of possession.

3 In the report, the Administrator General of Tamil Nadu had stated that the property, in Door No.21, Perianna Mudali Street, George Town, Chennai-1, belongs to the Trust Estate of Vaduvambal and the trust is being administered by the Administrator General. It had been stated that a portion of the premises had been let out to the respondents, on monthly rent basis. The details of the extent of the premises that had been let out to each of the respondents and the rental amount payable for the same, had been set out in the said report.

4 It had been further stated that the Assistant Engineer, Public Works Department, attached to the A.G.& O.T. Office, had inspected the premises, on 6.6.2013, and had submitted a report, dated 10.6.2013, stating that the building was 100 years old and the condition of the building was very bad and it was posing danger to the lives of the tenants. Therefore, he had requested the Official Trustee to take necessary action

to issue notice to the tenants, asking them to vacate the premises. In view of the said report, a termination notice, dated 18.6.2013, had been issued to the tenants, asking the respondents/tenants to vacate the premises. A reply notice, dated 10.7.2013, had been sent, by the tenants, to the Official Trustee, stating that the premises is in good and habitable condition and therefore, they had requested the Official Trustee to permit them to continue in occupation of the said premises. A reply had been sent by the Official Trustee, on 18.7.2013, asking the tenants to make an application before the Court. But, they have not filed any such application. In such circumstances, the Official Trustee has filed these applications, seeking a direction to the respondents to quit and deliver the vacant possession and also to pay damages for the use and occupation of the premises, from July, 2014, till the date of delivery of possession.

5 An additional report has been filed by the learned Official Trustee, dated 31.8.2016, giving details of the monthly rents, fixed by the Assistant Engineer, for the portions occupied by the respondents and also for the payment of reasonable amount of damages, for the use and occupation. The learned Official Trustee has prayed that this Court may fix the monthly damages for the use and occupation of the premises, by the respondents, from July, 2014, till the date of delivery of

possession.

6 When the matter was called, despite the notice having been served on the respondents, there was no representation on behalf of the respondents. The respondents had not even filed their counter affidavit.

7 This Court had perused the report filed by the Official Trustee and the materials placed in support of the same. In view of the reasons stated in the report filed by the Official Trustee, this Court is inclined to allow all the applications.

Accordingly,

(i) The respondents are directed to quit and deliver the vacant possession of their respective portion of the premises, bearing Door No.21, Perianna Mudali Street, George Town, Chennai-1, to the Official Trustee, on or before 30.09.2016.

(ii) The respondents are directed to pay the damages, as fixed hereunder, for the use and occupation of their respective portions, from July, 2014, till the date of delivery of possession, as follows :

- | | |
|-------------------------|----------------------|
| (a) Selvi (R-1) | Rs.2,200/- per month |
| (b) Jaya (R-2) | Rs.2760/- per month |
| (c) Palaniraj (R-3) | Rs.4606/- per month |
| (d) E.Mani (R-4) | Rs.2000/- per month |
| (e) A.Udaya Kumar (R-5) | Rs.2900/- per month. |

These applications are allowed with the above mentioned terms.

sd/.M.J.J
31.08.2016

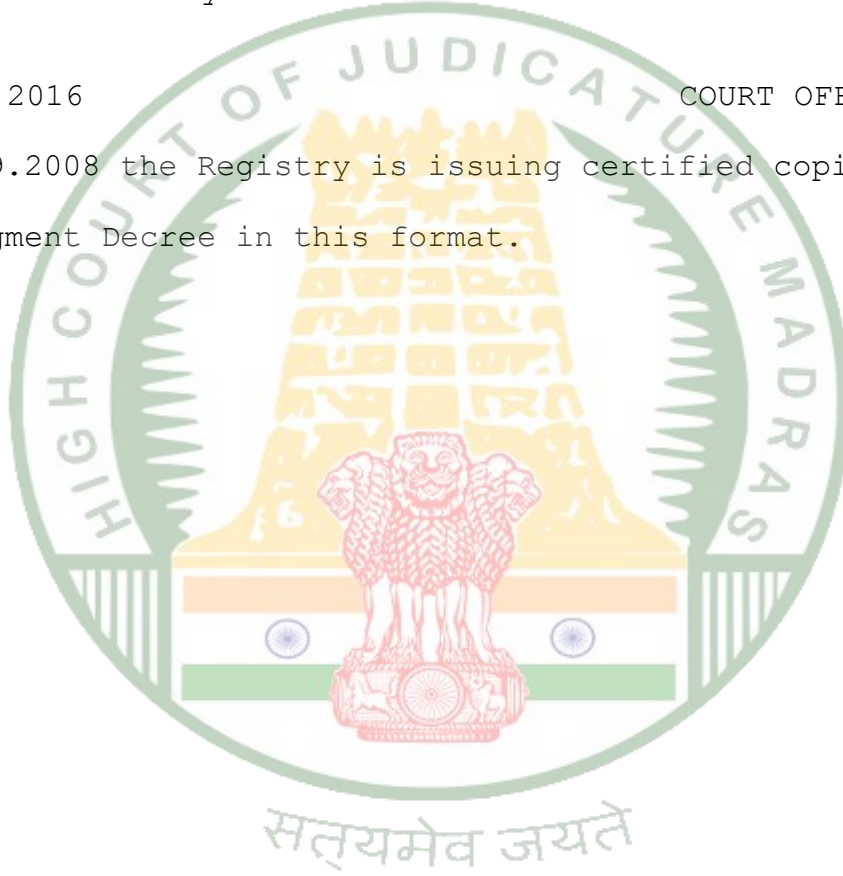
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Dated this the day of 2016.

R.s/26.12.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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