

Application No.968 of 2016
in
O.P.No.109 of 1942

M.JAICHANDREN,J.,

This application has been filed by the applicant seeking a direction to the respondent-Official Trustee of Tamil Nadu, to extend the lease for a period of nine years, for the vacant land bearing Door No.46, Anna Salai, Chennai 600 002, comprised in S.No.93/2 Part, of an extent of 7435.77 sq.ft., which is more fully described in the Schedule to the Judges Summons, in favour of the petitioner or in favour of the applicant.

2. Heard the learned counsel appearing on behalf of the applicant, as well as the Official Trustee.

3. It is noted that the applicant had taken the property on lease, from the respondent, under an agreement of lease, on 12.12.2013, initially, for a period of eight months, at the rate of Rs.1,25,000/- per month. Further, the lease was granted to the Metro Rail Project, from 01.05.2013, at the rate of Rs.1,30,000/- per month and thereafter, from the month of August, 2013, lease had been extended to the applicant, for a period of nine months, at the rate of Rs.1,25,000/- per month, with the usual conditions.

4. It is also noted that the lease was further extended in favour of the applicant, from 01.02.2015, at the rate of Rs.1,30,000/- per month, for a period of one year, with the usual conditions.

5. This application has been filed by the applicant seeking further extension of lease, for a period of nine years.

6. The learned Official Trustee had submitted his report stating that the Assistant Engineer attached to the Office of the Administrator General and Official Trustee of Tamil Nadu had fixed Rs.14,12,796/- per month, as rent, on the basis of guideline value or on the basis of fixation of fair rent principle. The learned Official Trustee had further submitted that the adjacent land, in S.No.93/2, with an extent of 11135.50 sq.ft. had been leased out to Devi Theatre, vide an order dated 26.02.2016, made in A.No.8249 of 2015, for a sum of Rs.1,20,000/- per month. The Assistant Engineer had arrived at Rs.1,57,000/- per month, based on the rent fixed to Devi Theatre. Further, the Official Trustee had submitted that the applicant had encroached upon the trust property and had put up a lift, stationed a generator and had made further improvements, pending this application. The Official Trustee had further submitted that the applicant had undertaken to remove the encroachments and the improvements made by him and further undertook not to claim any damages or right over the property at any point of time, in the

future. The Official Trustee had further submitted that extension of lease, for a period of five years, at Rs.1,57,000/- per month, as lease amount, would be reasonable.

7. In view of the report and the submissions made by the Official Trustee, this Court is inclined to extend the lease with the following conditions:

(i) The lease in favour of the applicant shall continue for a further period of five years, from 01.02.2016, with the usual conditions.

(ii) The lease agreement shall be registered, within thirty (30) days from the date of receipt of a copy of this order, at the cost of the applicant.

(iii) The applicant shall pay the amount of Rs.1,30,000/- per month [Rupees one lakh and thirty thousand only], from 01.02.2016 till 31.08.2016, and at the rate of Rs.1,50,000/- per month [Rupees one lakh and fifty thousand only], from 01.09.2016.

(iv) The applicant shall deposit three months lease amount as security deposit and three months lease amount as an advance. Any amount remaining with the Official Trustee shall be adjusted towards the advance and the Security Deposit.

(v) It is noted that the property in question had been given on lease only for the purpose of parking of vehicles.

(vi) The applicant shall remove the temporary constructions (lift and generator) on the expiry of the lease period.

(vii) The Official Trustee is at liberty to impose necessary terms and conditions that he deems fit and proper for safe-guarding the interest of the Trust.

8. This application is allowed as per the above terms.

06.10.2016

vj2

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