

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application Nos.1252 and 1253 of 2020  
(Heard through video conferencing)

Administrator General and Official Trustee of Tamil Nadu,  
High Court Campus, Chennai-600 104.

.. Applicant in both the applications

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and under Section 25 of the Official Trustee's Act 11 of 1913 and A.No.1252 of 2020 is filed praying that the total cost for paper publication and inspection expenses should be proportionately met out from all the Trust Estates properties be leased out.

Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustee's Act 11 of 1913 and A.No.1253 of 2020 filed praying to permit the Official Trustee to make necessary paper publication in any one of the Tamil Newspaper in Chennai Edition regarding the public auction for the properties detailed in the schedule of properties with this application for the upset monthly rent specified against each of the properties in the tabular column No.7 in paragraph 4 of the report.

SCHEDULE

Item-I

Shop bearing Door No. 222, Amman Koil Street,, Chennai 600 001,  
having extent of 100 Sq. Ft., bounded on the

North by : Pedariar Koil Street

South by : Amman Koil Street

East by : Stationary Shop

West by : Premkumar Shop

Item-II

Shop bearing Door No. 222, Amman Koil Street,, Chennai 600 001,  
having extent of 80 Sq. Ft., bounded on the

North by : Pedariar Koil Street

South by : Amman Koil Street

East by : Stationary Shop

West by : Premkumar Shop

Item-III

Commercial Shop bearing Door No. 189, N.S.C.Bose Road, Chennai  
600 001, having extent of 4850 Sq. Ft., bounded on the

North by : Sankar Cafe Hotel

South by : N.S.C.Bose Road

East by : Sri Vari Enterprises

West by : Giri Stadium

Item-IV

Commercial Shop bearing Door No. 189, N.S.C.Bose Road, Chennai 600 001, having extent of 830 Sq. Ft., bounded on the

North by : Sankar Cafe Hotel

South by : N.S.C.Bose Road

East by : Sri Vari Enterprises

West by : Giri Stadium

Item-V

Old Premises bearing Door No.79, Broadway, Chennai-1 measuring about 2,771 Sq. Ft. bounded on the

North by : 78 Broadway, Chennai-1

South by : 80 Broadway, Chennai-1

East by : Others property

West by : Prakasam Salai.

Item-VI

Commercial Building (Ground Floor) bearing Door No.47, Moore Street, Chennai -1, having extent of 3,021 Sq .Ft , bounded on the

North by : No.48, Moore Street

South by : No.46, Moore Street

East by : Moore Street

West by : No.255, Audiappa naicken street

Item-VII

Commercial Building (Second Floor) bearing Door No.47, Moore Street, Chennai -1, having extent of 4,417 Sq .Ft., bounded on the

North by : No.48, Moore Street

South by : No.46, Moore Street

East by : Moore Street

West by : No.255, Audiappa naicken Street

Item-VIII

Old House and Ground bearing Door No.230 having extent of 2,518 Sq. Ft.. Linghi Chetty Street, Chennai 600 001, bounded on the

North : Vacant Land of Venkataramana Chettiar

South by : Thiruvengadam Thavasi Hospital

East by : Angappa Naicken Street

West by : Linghi Chetty Street

Item-IX

House bearing Old Door No.1, New No.6, Narayana Chetty Lane, Chennai -1, having extent of 2,089 Sq .Ft , bounded on the

North by : No.7, Narayana Chetty Lane

South by : No.2, Narayana Chetty Lane

East by : Apartment

West by : Narayana Chetty Lane

Item-X

Commercial building bearing Door No.202, Thambu Chetty Street, Chennai -1, having extent of 920 Sq .Ft , bounded on the

North by : No.212, Dr. U.Rama Rao Clinic

South by : 201, East India Company Limited

East by : No.111, Royal Bearing Centre

West by : No.203, Govindaraj Mudaliar & Sons

Item-XI

Vacant Land bearing Door No. 14, S.M.M.Lane, Chennai 600 001, having extent of 2,046 Sq. Ft., bounded on the

North by : No.16/2, House

South by : No.13/2, House

East by : Door No.14, S.M.M.Street, vacant site

West by : A.R.C. School

Item-XII

Dilapidated old building bearing New Door No. 41, Old Door No.19, S.M.M.Street, Chennai-1, having an extent of 4,374 Sq. Ft., bounded on the

North by : No.16/2, House

South by : No.13/2, House

East by : New No.41, Old No.19, Saiva Muthiah Mudali  
Street , Dilapidated Building

West by : A.R.C. School

Item-XIII

Land with Old Building bearing Door No. 56, Pycrofts Road 1<sup>st</sup> Street, Chennai 600 014, having extent of 1,163 Sq. Ft. of Land with 738 Sq. Ft. Building, bounded on the

North by : Pycrofts Road

South by : Woods Road

East by : Pycroft 1<sup>st</sup> Street

West by : Srinivasan House

Item-XIV

House bearing Door No. 173, Pycrofts Road, Chennai 600 014, having extent of 670 Sq. Ft., bounded on the

North by : Seathal Betal Shop

South by : Nellai Sweet Shop

East by : Leather Shop

West by : Big Street

Item-XV

House bearing Door No. 173, Pycrofts Road, Chennai 600 014, having extent of 295 Sq. Ft., bounded on the

North by : Seathal Betal Shop

South by : Nellai Sweet Shop

East by : Leather Shop

West by : Big Street

Item-XVI

House bearing Door No. 173, Pycrofts Road, Chennai 600 014, having extent of 238 Sq. Ft., bounded on the

North by : Seathal Betal Shop

South by : Nellai Sweet Shop

East by : Leather Shop

West by : Big Street

Item-XVII

The Choultry in dilapidated condition bearing Door No. 29, Singarachari Street, Triplicane, Chennai -5, measuring about 3,100 Sq. Ft bounded on the

North by : 29, Singarachari Street, Choultry Building

South by : Thulasingham Street

East by : Singarachari Main Road

West by : Vandri Venkatesan Street

Item-XVIII

Vacant Site bearing No.239, R.K.Mutt Road, Mylapore, Chennai-5, having extent of 3,227 Sq. Ft. with entrance 7.4 Sq. Ft., bounded on the

North by : R.K.Mutt Road

South by : Lala Thottam

East by : Phone Shop

West by : Mother Textile

Item-XIX

The Land bearing Door No.877, Tiruvottiyur High Road, Tiruvottiyur, Chennai-19, measuring about 4,644 sq.ft bounded on the

North by : V.Jayaraj (Murthi Restaurant)

South by : Property of Kumarakurubaran Chettiar

East by : Property of Kumarakurubaran Chettiar & S.P.Murugesan

West by : Tiruvottiyur High Road.

Item-XX

The Commercial Hall (Ground Floor) bearing Door No. 23, in R.S.Number 118/2 Kanakkar Street, Tiruvottiyur, Chennai -19, measuring about 1,800 Sq. Ft bounded on the

North by : A Private passage

South by : Property of Kumarakurubaran Chettiar

East by : Land leased to

Saraswathi  
Street

West by : Kanakkar

Item-XXI

The House (First Floor) and a room in Second Floor bearing Door No. 23, in R.S.Number 118/2 Kanakkar Street, Tiruvottiyur, Chennai -19, measuring about 700 Sq. Ft bounded on the

North by : A Private passage

South by : Property of Kumarakurubaran Chettiar

East by : Land leased to Saraswathi

West by : Kanakkar Street

Item-XXII

Vacant Site bearing Nos. 63, 64, 65, East Mada Street, Thiruporur, Kancheepuram District, having extent of 10,236 Sq. Ft., bounded on the

North by : Vacant Space

South by : House

East by : Thiruporur Theradi Veedhi

West by : Temple Land

Item-XXIII

Bodyguard Muneeswarar Temple, Pallavan Salai, Chennai -2, having extent of 64 Sq .Ft , bounded on the

North by : Platform

South by : Platform

East by : Pallavan Salai

West by : Defence Office

For applicant in both the applications: Mr.P.Murugan, A.G. & O.T.

COMMON ORDER

A.No.1252 of 2020 is filed praying that the total cost for paper publication and inspection expenses should be proportionately met out from all the Trust Estates properties be leased out.

2. A.No.1253 of 2020 is filed praying to permit the Official Trustee to make necessary paper publication in any one of the Tamil Newspaper in Chennai Edition regarding the public auction for the properties detailed in the schedule of properties with this application for the upset monthly rent specified against each of the properties in the tabular column No.7 in paragraph 4 of the report.

3. The learned A.G. & O.T. has filed a report, dated 18.06.2020, stating as follows:

(a) Nearly about 200 Trust Estates are being administered by the Administrator General and Official Trustee of Tamil Nadu. From and out of

the Trust Estates both the Administrator General and Official Trustee sides there are about 500 properties let out to various tenants for Residential and Non-Residential on monthly rent basis and also yearly lease basis for agricultural land.

(b) As of now there are 22 properties kept vacant and no lease exists as on date. These properties are in and around Chennai. The AG & OT has to take necessary steps to lease out the property to fetch income for charity purpose and the interested person may take the property for rent or lease basis. The properties are connected to various Trust Estates and different locations with different extents. The property of Body Guard Muneeswarar Temple lease / license is to be expired on 30.04.2020.

(c) For some of the properties, the Assistant Engineer reports are available. For other properties, no such report is available. For the reason the post of Assistant Engineer is kept vacant for more than 7 months. Most of the buildings are in very old condition. Considering the conditions of the buildings, it is decided to lease out as per “as is where condition”. After the interested person entered into a lease, he may be permitted to build up a new

construction on and in the land at his own money, for long time lease after demolishing the existing old building with prior orders of the Hon'ble High Court and also building approval plan from competent authority. For arriving the monthly rent upset price, the present guideline value is taken for consideration, but not in entirety. Tentative rent assessment is done, which is lesser than the guideline value estimation.

(d) The following tabular column will give a clear picture about the name of the Trust, address of the property, nature of the property, extent of the property, guideline value and upset monthly rent as tentatively decided by AG & OT, to the respective property for better appreciation.

Vacant Properties in the Name of Administrator

General and Official Trustee of Tamil Nadu

| Sl.No. | Trust Name | Property Address                      | Nature of Property | Area in Sq. Ft. | Guideline Value | Upset Monthly Rent in Rs. |
|--------|------------|---------------------------------------|--------------------|-----------------|-----------------|---------------------------|
| (1)    | (2)        | (3)                                   | (4)                | (5)             | (6)             | (7)                       |
| 1      | N.V. Ammal | No.222, Amman Koil Street, Chennai-1. | Shop               | 100             | 3               | 3,500/-                   |
| 2      | N.V. Ammal | No.222, Amman Koil Street,            | Shop               | 80              | 3               | 3,000/-                   |

|    |                          |                                                          |                                                        |                                                |    |            |
|----|--------------------------|----------------------------------------------------------|--------------------------------------------------------|------------------------------------------------|----|------------|
|    |                          | Chennai-1.                                               |                                                        |                                                |    |            |
| 3  | N.V. Ammal               | 189, N.S.C. Bose Road, Chennai-1                         | Commercial (F.Fr. )                                    | 4,850                                          | 10 | 1,20,000/- |
| 4  | N.V. Ammal               | 189, N.S.C. Bose Road, Chennai-1                         | Commercial (F.Fr. )                                    | 830                                            | 10 | 25,000/-   |
| 5  | M.K.P. Maracayar         | No.79, Broadway, Chennai-1                               | Old Building                                           | 2,771                                          | 10 | 1,00,000/- |
| 6  | V.T. Chetty              | No.47, Moore Street, Chennai-1                           | Hall in Ground Floor                                   | 3,021                                          | 9  | 90,000/-   |
| 7  | V.T. Chetty              | No.47, Moore Street, Chennai-1                           | Hall in 2 <sup>nd</sup> Floor                          | 4,417                                          | 9  | 60,000/-   |
| 8  | Sivagamu Ammal           | No.230, Linghi Chetty Street, Chennai-1.                 | House (Dilapidated Condition)                          | 2,518                                          | 9  | 50,000/-   |
| 9  | Galli Adinarayana Chetty | N.No.6, Old No.1, Narayana Chetty Lane, Chennai-1        | Old House with 671 Sq. Ft. Vacant area                 | 2,089                                          | 3  | 30,000/-   |
| 10 | Vaduvambal               | No.202, Thambu Chetty Street, Chennai-1                  | Shop                                                   | 920                                            | 5  | 30,000/-   |
| 11 | N.V. Ammal               | No.14, S.M.M. Street, Chennai-1.                         | Vacant Land                                            | 2,046                                          | 3  | 20,000/-   |
| 12 | P.R. Chetty              | N.No.41, O.No.19, S.M.M. Street, Chennai-1               | House at (Dilapidated Condition)                       | 4,371                                          | 3  | 45,000/-   |
| 13 | M.M. Charities           | No.56, Pycrofts Road 1 <sup>st</sup> Street, Chennai-14. | Old House                                              | 1,163 Sq. Ft. of Land with Building 738 Sq. Ft | 4  | 20,000/-   |
| 14 | M.M. Charities           | No.173, Pycrofts Road, Chennai-14.                       | House                                                  | 670                                            | 8  | 10,000/-   |
| 15 | M.M. Charities           | No.173, Pycrofts Road, Chennai-14.                       | House                                                  | 295                                            | 8  | 4,500/-    |
| 16 | M.M. Charities           | No.173, Pycrofts Road, Chennai-14.                       | House                                                  | 238                                            | 8  | 4,000/-    |
| 17 | Iyya Pillai Charities    | No.29, Singarachari Street, Triplicane, Chennai-5.       | Choultry (Dilapidated condition) (Excluding two shops) | 3,100                                          | 4  | 1,25,000/- |
| 18 | M.K.A. Charities         | No.239, R.K. Mutt Road, Mylapore, Chennai-5.             | Vacant Site                                            | 3,227 Sq. Ft. with entrance 7.4 Sq. Ft.        | 9  | 50,000/-   |

|    |                    |                                                                                                                                               |                                             |        |   |                                                                         |
|----|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--------|---|-------------------------------------------------------------------------|
| 19 | Ponnambalam Pillai | No.877, Thiruvotriyur High Road, Chennai-19                                                                                                   | Vacant Site                                 | 4,644  | 3 | 50,000/-                                                                |
| 20 | Ponnambalam Pillai | No.23, Kannakkar Street, Thiruvotriyur, Chennai-19.                                                                                           | Commercial Hall                             | 1,800  | 2 | 20,000/-                                                                |
| 21 | Ponnambalam Pillai | No.23, Kannakkar Street, Thiruvotriyur, Chennai-19.                                                                                           | House (F.F + A Room in 2 <sup>nd</sup> Fr.) | 700    | 2 | 8,000/-                                                                 |
| 22 | M.K.A. Charities   | Nos.63, 64, 65, East Mada Street, Thiruporur, Kancheepuram Dist.                                                                              | Vacant Site                                 | 10,236 | 5 | 10,000/-                                                                |
| 23 | M.O.P.L.           | Bodyguard Muneeswar Temple, Pallavan Salai, Chennai-2. [Licence for hundial collection permitted for one year from 01.05.2020 to 30.04.2021]. | Temple                                      | 64     | 3 | 1,00,00,000/- (One year lease amount be paid in four equal instalments) |

(e) Sl.No.23 in the Tabular Column property is the Bodyguard Muneeswarar Temple at Pallavan Salai, Chennai-2. That lease is to be expired on 30.04.2020. The property should be leased out for another one year as per the procedure adapted by this Hon'ble Court as well as the O/o AG & OT. Therefore, the said property is also included in this application to lease out for 1 year from 01.05.2020 to 30.04 2020 on yearly lease / license amount with permission to the lessee / licensee to collect the Hundial amount at his own and to pay the yearly lease / license amount to the O/o AG & OT.

(f) As per the last order dated 27.04.2019 in A.No.3308 of 2019, the lease to the Bodyguard Muneeswarar Temple was confirmed in favour of Tmt.K.Lalitha for a total lease amount of Rs.76,24,000/- for 1 year from 01.05.2019 to 30.04.2020. She was given that amount be paid in 4 equal installments. All the installments have been paid as of now. Subsequent thereto 18% GST amount of Rs.13,72,320/- was paid by her on 26.02.2020 in D.D. No.061168 for Rs.9,00,000/- & 061169 for Rs.4,72,320/- both dated 26.02.2020 drawn on Indian Overseas Bank, Pallavan Salai, Chennai-2. Considering the previous bid amount for the temple and escalation of price there is a possibility of competition bids be received for the Bodyguard Muneeswarar Temple. The AG & OT is of the firm view that the minimum upset yearly lease / license amount for the next year be fixed at Rs.1,00,00,000/- excluding GST @18%.

(g) There are instances that the AG & OT is unable to collect the arrears of rent, water charges, electricity charges in huge amount once tenants vacated and their whereabouts are not known to the AG & OT. Even an earnest effort taken, the whereabouts of the tenants would not be traced out. In view of the above, the AG & OT is of the firm opinion that an

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adequate caution deposit in addition to security deposit may be received from the tenants at the time of entering into a lease / rental agreement. It would be in a better position to adjust the caution deposit towards the arrears of rent, water charges and electricity charges due if any. The experience shows that in most of the cases, no immediate action was initiated in the past when the tenants committed default to pay the monthly rent. If an action could have been taken at the earliest point of time there could be chances either to recover the arrears of rent, water and electricity bill charges or to recover vacant possession. Even to that aspect it would normally take minimum a year period to get anything to be done.

(h) Section 11 of the Tamil Nadu Regulation of Right and Responsibilities of Landlords and Tenants Act, 2017 directs that maximum of 3 times of monthly rent may be received as security deposit. In the same line of analogy, the AG & OT may be permitted to receive 3 months' rent as security deposit (Rental Advance). In addition to that 7 times of monthly rent may be collected as caution deposit for the purpose of if any arrears of rent or damages for use and occupation or damages for the building and the same be adjusted from the deposits without heavy loss to the office of the

AG & OT. Altogether 10 months' rent may be collected as rental advance and caution deposit.

(i) In view of the above details, for quick and better administrative reason, a comprehensive single application is filed seeking permission of this Court to grant permission for paper publication to conduct public auction to know the general public and followed by call for tender, then to conduct public auction in the office of AG & OT, and thereafter, file a report before this Hon'ble Court for confirmation etc.

(j) A draft paper publication advertisement, application, terms and conditions to participate in the public auction are enclosed along with this application. For considering paper publication cost, all the properties are included in this application for a single paper publication. Total paper publication cost and other inspection cost for this work is to be proportionately met out from all the Trust Estates properties be leased out.

4. Hence, the above applications have been filed for the reliefs stated supra.

5. This Court heard the submissions made by the learned A.G .& O.T. and perused the materials available on record.

6. Taking into consideration the above report submitted by the learned A.G. & O.T., and on a perusal of the same, this Court accepts the said report and accordingly, both these applications are ordered as prayed for.

30.06.2020

Speaking Orders: Yes  
cs

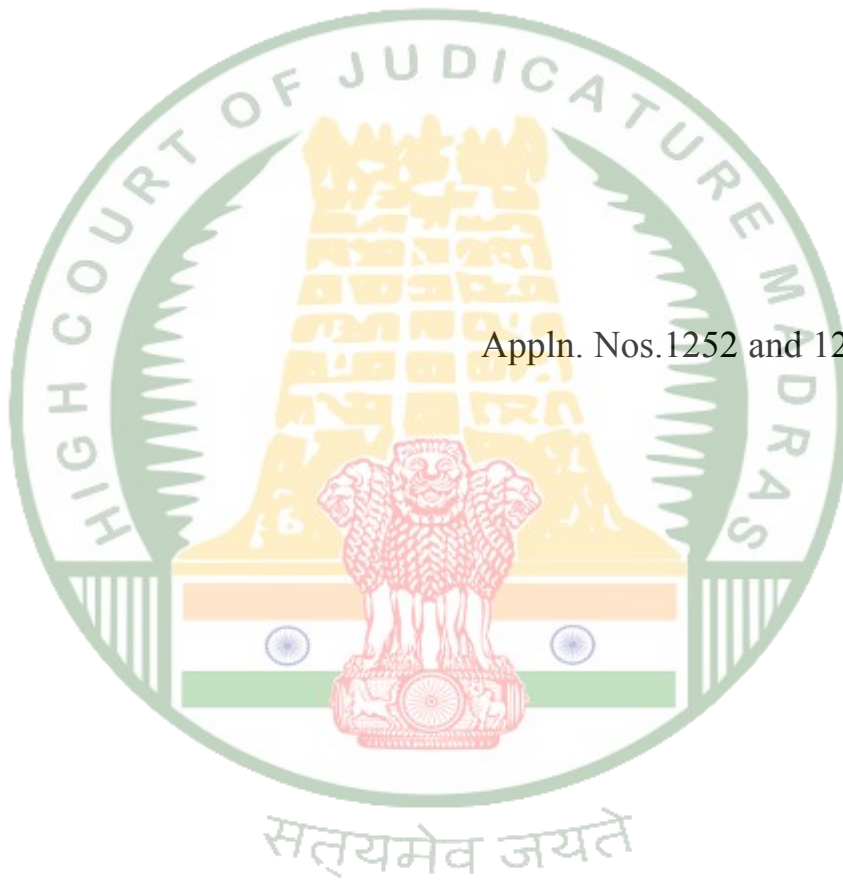
To  
The Administrator General and Official Trustee of Tamil Nadu,  
High Court,  
Madras.

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R.SUBBIAH, J

CS

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