



Application Nos.4324 & 4325 of 2021
in C.S.No.274 of 1899

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Dated: 03.12.2021

Coram:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

**Application Nos.4324 & 4325 of 2021
in C.S.No.274 of 1899**

R.Sowthamani ... Applicant in both Applications

Vs.

The Official Trustee of Tamil Nadu,
High Court Campus,
Chennai-600 104. ... Respondent in both Applications

Application No.4324 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure prayed to direct the respondent/Official Trustee to grant and register the lease deed for 25 years to the applicant in respect of the leased out premises vacant site measuring 2114.84 sq.ft on the west rear side of premises of No.208, T.H.Road, Thiruvottiyur, Chennai – 600 019 comprised in Old Survey No.237/1 Part, New S.No.473 T.S.No.111 within the Sub Registration District of Thiruvottiyur.

Application No.4325 of 2021 filed and Judge's Summons issued



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under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure prayed to direct the respondent/Official Trustee to grant permission to the applicant to construct building in the vacant site leased out property on the west rear side of premises of No.208, T.H.Road, Thiruvottiyur, Chennai – 600 019 measuring 2114.84 sq.ft. comprised in Old Survey No.237/1 Part, New S.No.473 T.S.No.111 by making necessary application for sanction of construction plan to the concerned and necessary authorities (Chennai Corporation and CMDA).

For Applicant : Mr.N.J.Sagayaraj
(in both Applications)

For Respondent : Mr.S.Raju,
(in both Administrator General & Official Trustee
Applications)

COMMON ORDER

The applicant has filed the above applications seeking for the following prayer:

(i)Application No.4324 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure prayed to direct the respondent/Official Trustee to grant and register the lease deed for 25 years to the applicant in respect of the leased out premises vacant site measuring 2114.84 sq.ft



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on the west rear side of premises of No.208, T.H.Road, Thiruvottiyur, Chennai – 600 019 comprised in Old Survey No.237/1 Part, New S.No.473 T.S.No.111 within the Sub Registration District of Thiruvottiyur.

(ii)Application No.4325 of 2021 filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure prayed to direct the respondent/Official Trustee to grant permission to the applicant to construct building in the vacant site leased out property on the west rear side of premises of No.208, T.H.Road, Thiruvottiyur, Chennai – 600 019 measuring 2114.84 sq.ft. comprised in Old Survey No.237/1 Part, New S.No.473 T.S.No.111 by making necessary application for sanction of construction plan to the concerned and necessary authorities (Chennai Corporation and CMDA).

2.The Official Trustee has filed a counter report dated 03.12.2021 wherein it has been stated as follows:

“The respondent read over the Affidavit and Judge's summon of the applicant and found para no.1 to 3 are matter of records.



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2.The respondent further submits that the grant of long term lease for a period of 25 years is not acceptable. The applicant may be granted a period of two years subject to enhancement of rent at the rate of 15% on the existing rent once in 2 years.

3.The respondent further submits that the applicant had made this application for putting up a construction.

4.The respondent further submits that the request of the applicant may be considered subject to the fulfilment of the following conditions may be imposed.

(i)The building should be constructed in accordance with the plan and building permit issued by the competent authorities.

(ii)The lessee shall apply to the authorities concerned for demolition, building plan and building permission only in the name of the Trust viz., “MM Charities” represented by the Official Trustee of Tamil Nadu.

(iii)The building is to be constructed within the stipulated time fixed by this Court.

(iv)The building shall be assessed to property tax in the name of “MM Charities” and the tax shall be paid by the Lessee unless exempted.



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(v)The lessee shall not encumber the property including the building during the subsistence of lease.

(vi)The lessee shall not part with his leasehold estate or sublet the same or any part thereof to any person.

(vii)Electricity connection, water connection etc., should be obtained in the name of “MM Charities” and it shall be paid by the lessee.

(viii)The lessee shall pay the monthly rent to be fixed by this Court according to English calendar month with a provision to enhance the rent once in three years.

(ix)The lessee shall on the expiry or determination of the lease deliver vacant possession of the property including the building put up by him to the Official Trustee in “as is where is” condition without claiming any compensation.

(x)The lease deed/Fresh Lease Deed by way of renewal shall be executed and registered at the cost of the lessee.”

3.The learned Administrator General and Official Trustee submitted that permission may be granted to the applicant for putting up construction. However, the period of lease may be restricted to five years.



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4.This Court is satisfied with the submission made by the learned Administrator General and Official Trustee.

5.In view of the report submitted by the learned Administrator General and Official Trustee and the submission made by him, the prayer sought for in Application No.4325 of 2021 is granted as prayed for and accordingly, the Application is ordered. So far as the prayer in Application No.4324 of 2021 is concerned, the period of lease is restricted to five years with usual terms and conditions and accordingly, the Application No.4324 of 2021 stands disposed of. It is needless to say that at the time of renewal of lease, there shall be 15% enhancement of rent.

va

03.12.2021

To

The Administrator General and Official Trustee
High Court, Madras.



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M.DURAISWAMY, J.

va

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