



Application Nos.4327, 4328, 4329,3942
& 3943 of 2021
in C.S.No.204 of 1940

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.12.2021

Coram:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

**Application Nos.4327, 4328, 4329 ,3942 & 3943 of 2021
in C.S.No.204 of 1940**

The Official Trustee of Tamil Nadu,
High Court Campus,
Chennai-600 104.

... Applicant in A.Nos.4327 to 4329/2021 and
Respondent in A.Nos. 3942 & 3943/2021

v.

Mr. R.Sampath Kumar,
No.180, Jawaharlal Nehru Street,
Tiruvalur.

... Respondent in A.Nos.4327 to 4329/2021and
Applicant in A.Nos. 3942 & 3943/2021

Application No.4327 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 to pay the



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damages for the premises occupied by him from 01.11.2021 to till the date of delivery of vacant possession at the rate of Rs.50,000/- per month..

Application No.4328 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 to hand over vacant possession within the time framed by this court and the applicant may be permitted to take over the vacant possession through police force.

Application No.4329 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 to quit and deliver the vacant possession of premises at D.No.180, Jawaharlal Nehru street, Tiruvallur within a time frame.

Application No.3942 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 grant an order of interim stay of the order made in Dis.No.1754 OTHC/MKA/2021, dated 21.10.2021 on the file of the respondent pending disposal of the application.



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Application No.3943 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 set aside the order made in Dis.No.1754 OTHC/MKA/2021, dated 21.10.2021 on the file of the respondent.

For Applicant in A.Nos.

3942 & 3943/2021 & :

Respondent in A.Nos.4327 to
4329/2021

: Mr.R.Bharanidharan

Applicant in A.Nos.4327

to 4329/2021 and Respondent : Mr.S.Raju

in A.Nos. 3942 & 3943/2021: Administrator General
& Official Trustee

COMMON ORDER

The Administrator General & Official Trustee has filed the Application No.4327 of 2021 to direct the respondent to pay the damages for the premises occupied by him from 01.11.2021 to till the date of delivery of vacant possession at the rate of Rs.50,000/- per month..



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2. Application No.4328 of 2021 has been filed by the Administrator General & Official Trustee to permit him to take possession of the property with the assistance of the Police.

3. Application No.4329 of 2021 has been filed by the Administrator General & Official Trustee to direct the respondent to quit and deliver the vacant possession of the premises at D.No.180, Jawaharlal Nehru street, Tiruvallur within a time frame.

4.The Administrator General & Official Trustee submitted that the respondent had put up unauthorised construction and also sublet the property leased out to him without getting any permission from him. Further, the Administrator General & Official Trustee submitted that since the respondent had violated the terms and conditions of the lease, he is liable to be evicted. Since the respondent had violated the terms and conditions, the Administrator General & Official Trustee has filed the above three applications seeking for the reliefs mentioned in the Judge's Summons.

5. Mr.R.Bharanidharan, learned counsel appearing for the



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respondent submitted that the respondent had only put up temporary shed and he has not sublet the premises to any third party. However, the Administrator General & Official Trustee submitted that he personally visited the property in question and found that two sub-tenants are in occupation of the premises.

6. Having regard to the submissions made by the learned counsel on either side, since the respondent had violated the conditions of the lease by putting up unauthorised construction and subletting the premises, the applications in A.Nos. 4328 and 4329 of 2021 are allowed. The respondent is directed to handover vacant possession of the property within one month from the date of receipt of a copy of this order, failing which, the Administrator General & Official Trustee shall take possession of the property with the assistance of the Police. It is needless to mention that the respondent should handover possession of the property along with all movables, which were handed over to him at the time of leasing out the property. So far as damages sought for in Application No.4327 of 2021 is concerned, since the respondent is



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paying a sum of Rs.25,000/- without any default from 2009, this court is not inclined to order damages. Accordingly, Application No.4327 of 2021 stands dismissed.

7. Pursuant to the order passed in Application Nos. 4327 to 4329 of 2021, Applications in A.Nos. 3942 & 3943 of 2021 are dismissed.

17.12.2021

Rj

To

The Administrator General and Official Trustee
High Court, Madras.



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M. DURAISWAMY, J.

Rj

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