



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 4TH DAY OF FEBRUARY 2022

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

A.Nos.52 to 55 of 2021

in

O.P.No.109 of 1942

O.P.No.109 of 1942:

In the matter of Will of Rao
Bahadur V.Thiruvengadathan
Chetty and

In the matter of Uppathoor
Thiruvengadathan Chetty Charities
and Trust

The Administrator General of Madras

..Petitioner

A.Nos.52 to 55 of 2021:

Official Trustee of Tamil Nadu
Madras High Court Campus
Chennai- 600 104

..Applicant
(in all applications)

vs

1.Mr.Karunakaran
No.47, Moore Street,
George Town,
Chennai - 600 001

2.Mr.Ibrahim,
No.47, Moore Street,
George Town,
Chennai - 600 001

..Respondents
(in all applications)

A.No.52 of 2021:

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Application praying that this Hon'ble Court be pleased to direct the respondents to quit and deliver the vacant possession of premises in the ground floor of No.47, Moore Street, George Town, Chennai-1, within a time frame;

A.No.53 of 2021:

Application praying that this Hon'ble Court be pleased to pass an order that if the respondent fails to handover the vacant possession within the time framed by this Hon'ble Court, the applicant be permitted to take over the vacant possession through police force.

A.No.54 of 2021:

Application praying that this Hon'ble Court be pleased to direct the first respondent to pay the rental arrears upto 24.11.2019 aggregating a sum of Rs.35,880/- with applicable administrative charges as charged for delayed payment, applicable to all the tenants together with bank interest at the rate of 6% per annum;

A.No.55 of 2021:

Application praying that this Hon'ble Court be pleased to direct the respondents to pay the damages for the premises occupied by them from 25.11.2019 to till the date of delivery of vacant possession at the rate of



These applications coming on this day before this Court for hearing in the presence of Mr.S.Raju, Administrator General and Official Trustee of Tamiil Nadu , the applicant in all applications appearing in person and the respondents in all applications not appearing in person or by advocate and upon reading the judges summons and the report of the Official Trustee of Tamil Nadu filed in all applications,

It is ordered as follows:-

That the respondents in A.No.52 of 2021, be and are hereby directed to quit and deliver the vacant possession of the property morefully setout in the schedule hereunder, within one week from the date of receipt of a copy of this order.

2. That in default of handing over the possession as mentioned in clause (1) supra, the learned Administrator General and Official Trustee, shall be at liberty to take possession of the said property with the assistance of the police.

3. That the first respondent in A.No.54 of 2021 be and is hereby directed to pay the rental arrears upto 24.11.2019 aggregating a sum of Rs.35,880/- (Rupees Thirty Five Thousand Eight Hundred and Eighty only) with applicable administrative charges as charged for delay payment, applicable to all the tenants together with bank interest at the rate of 6% per annum.



4. That the respondents in A.No.55 of 2021 be and are hereby directed to pay the damages for the premises occupied by them from 25.11.2019 to till the date of delivery of vacant possession of the said property at the rate of Rs.15,000/- per month.

SCHEDULE OF PROPERTY

Premises of a Shop bearing Door No.47, Moore Street, Chennai- 600 001 in Ground Floor having extent of 230 sq.ft., bounded on the

North by : No.48, Moore Street
South by : Door No.46, Moore Street,
East by : Moore Street
West by : Private Building

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 04TH DAY OF FEBRUARY 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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A.Nos.52 to 55 of 2021
in
O.P.No.109 of 1942

ORDER

DATED : 04.02.2022

THE HON'BLE MR.JUSTICE
M.DURAISAMY

FOR APPROVAL: 13.04.2022

APPROVED ON : 19.04.2022



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THE HON'BLE MR.JUSTICE M.DURAI SWAMY

A.Nos.52 to 55 of 2021

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A.Nos.52 to 55 of 2021:

Official Trustee of Tamil Nadu
Madras High Court Campus
Chennai- 600 104

..Applicant
(in all applications)

VS

1.Mr.Karunakaran
No.47, Moore Street,
George Town,
Chennai - 600 001



2.Mr.Ibrahim,
No.47, Moore Street,
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..Respondents
(in all applications)

A.No.52 of 2021:

Application praying that this Hon'ble Court be pleased to direct the respondents to quit and deliver the vacant possession of premises in the ground floor of No.47, Moore Street, George Town, Chennai-1, within a time frame;

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A.No.54 of 2021:

Application praying that this Hon'ble Court be pleased to direct the first respondent to pay the rental arrears upto 24.11.2019 aggregating a sum of Rs.35,880/- with applicable administrative charges as charged for delayed payment, applicable to all the tenants together with bank interest at



A.No.55 of 2021:

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Application praying that this Hon'ble Court be pleased to direct the respondents to pay the damages for the premises occupied by them from 25.11.2019 to till the date of delivery of vacant possession at the rate of Rs.15,000/- per month.

These applications coming on this day before this Court for hearing, The Court made the following order:

Pursuant to the order dated 26.02.2021, the learned Administrator General and Official Trustee has effected paper publication and also filed the proof for the same.

2. Though the names of the respondents have been printed in the cause list, none appeared for them.

3. The learned Administrator General and Official Trustee has filed the above applications for the following reliefs:

(i) Application No.52 of 2021- To direct the respondent to quit and deliver vacant possession of the premises in the Ground Floor of No.47, Moore Street, George Town, Chennai, within a time frame;

(ii) Application No.53 of 2021 - In the event of the respondents failing to handover the vacant possession within the time fixed by this



permitted to take over the vacant possession through police force;

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(iii) Application No.54 of 2021 - To pay the rental arrears aggregating a sum of Rs.35,880/- upto 24.11.2019 together with bank interest at the rate of 6% per annum; and

(iv) Application No.55 of 2021 - To direct the respondents to pay the damages for the use and occupation of the premises from 25.11.2019 to till the date of delivery of vacant possession at the rate of Rs.15,000/- per month.

4. The learned Administrator General and Official Trustee has filed the report, wherein it has been stated as follows:-

“ The Official Trustee of Tamil Nadu submits that the property bearing Door No.47, Moore Street, George Town, Chennai 600 001 belongs to the Trust Estate of V.Thiruvankadathan Chetty. The Trust is being administered by the Official Trustee of Tamil Nadu as per the Will of the founder of the trust.

2. The Official Trustee further submits that initially, the subject property was leased out to Mr.E.V.K. Selvaraj on a monthly rent. He violated the lease conditions and the first respondent was found as unauthorized possession in the said property. The Official Trustee had taken out eviction proceedings in A.Nos. 2965 to 2967 of 2008 against the first



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consultation from his wife, he will finalize the same and execute lease agreement and took some time for appearance. As assured by him, he has not appeared and therefore, the revision of rent was not finalized and no agreement was executed.

6. The Official Trustee further submits that during the first week of October, 2020 when the Official Trustee himself inspected the property, the shop was opened and someone was found in the shop. On enquiry there was no proper answer from him. Then the first respondent was directed to appear before the applicant for enquiry. But the first respondent has been evading to appear so far.

7. The Official Trustee further submits that having doubt about first respondent's possession of leased property, the estate staff was directed to inspect the subject property and report. The staff inspected on 22.10.2020 and appraised the issue on the same day and then next day filed a report dated 23.10.2020 [D2]. The inspection revealed one Mr. Ibrahim, the second respondent, was found in the premises. On direction he appeared before the applicant on 22.10.2020 evening. On enquiry it reveals from him that the first respondent had sub-letted the shop for few years back and collected huge rent. Both the respondents have partitioned the shop and doing their photocopier business. The front portion is occupied by second respondent and the rear portion is occupied by the first respondent. The first respondent has violated the Hon'ble



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High Court order and other lease terms and conditions.

8. The Official Trustee further submits that on repeated calls from the applicant regarding the subject property, the first respondent has evading to attend the call. Since, the first respondent has violated the lease terms and conditions, the applicant had issued a show cause notice dated 28.10.2020 [D3] to the first respondent why the lease should not be terminated and take out the possession from him after a week time. But the notice was returned as “Unclaimed” [D4]. In the meantime, the first respondent had sent a letter dated 09.11.2020 [D5] requesting for extension of time to pay the rental arrears and disputing about the subletting.

9. The Official Trustee further submits that considering all these aspects, since the first respondent has violated the Hon’ble High Court order by sub-letting, the applicant by proceeding dated 24.11.2020 [D6] terminated the lease in favour of first respondent with immediate effect with direction to hand over the vacant possession immediately, failing which an action will be initiated to take the vacant possession and liable to pay damages Rs.15,000/- per month w.e.f. that notice date.

10. The Official Trustee further submits that as stated above, the first respondent has chronic defaulter to pay the rent and then and there he paid some amount. As per the rent register upto March, 2020 rent was paid at the rate of



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Rs.2,300/- per month. Since, April, 2020 upto 24.11.2020, as per first respondent suggestion rent of Rs.4,600/- per month, the total arrears comes to Rs.35,880/-. Thereafter, the respondent liable to pay Rs.15,000/- per month as damages.

11. The Official Trustee further states that the above mentioned notice was delivered to the first respondent on 07.12.2020 as confirmed via Post office track consignment [D7]. But the first respondent not yet turned up. Hence, this application filed for eviction, claiming arrears of rent and damages.

In view of the above, the Official Trustee is, therefore, humbly submits and prays that this Hon'ble Court may be pleased to:-

- (i) Direct the respondents to quit and deliver the vacant possession of premises in the ground floor of No.47, Moore Street, George Town, Chennai-1, within a time frame;
- (ii) Direct the first respondent to pay the rental arrears upto 24.11.2019 aggregating a sum of Rs.35,880/- with applicable administrative charges as charged for delayed payment applicable to all the tenants together with bank interest at the rate of 6% per annum ;
- (iii) Direct the respondents to pay the damages for the premises occupied by them from 25.11.2019 to



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till the date of delivery of vacant possession at the rate of Rs.15,000/- per month;

(iv) If the respondents fail to handover the vacant possession within the time framed by this Hon'ble Court, the applicant may be permitted to take over the vacant possession through police force.

Official Trustee of Tamil Nadu

SCHEDULE

Premises of a Shop bearing Door No.47, Moore Street, Chennai 600 001, in Ground Floor having extent of 230 Sq .Ft , bounded on the

North by : No.48, Moore Street

South by : Door No.46, Moore Street

East by : Moore Street

West by : Private Building”

5. Being satisfied with the report filed by the learned Administrator General and Official Trustee, I am of the considered view that the applications are liable to be allowed. The respondents are directed to handover vacant possession of the premises within one week from the date of receipt of a copy of this order and in the event of the respondents not handing over the possession, within the said time, the learned

Administrator General and Official Trustee is at liberty to take possession of the property with the assistance of the police.



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With the above observations, the applications are allowed.

Sd/-M.D.J.
04.02.2022

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Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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