



WEB COPY



A.No.870 of 2022

A.No.870 of 2022
in
A.No.4146 of 2021 in O.P.No.316 of 1939

M. DURAISWAMY, J.

The applicant/tenant has filed the above application seeking permission to construct in the leased premises bearing Door No.202, Thambu Chetty Street, Chennai - 600 001, as per the plan.

2.The learned AG & OT filed a counter, dated 16.03.2022, wherein, in Para No.4, it has been stated as follows :

"4.The Official Trustee of Tamil Nadu humbly submits that if the Hon'ble Court please to grant the relief, the following conditions may be ordered :

(i) No sale or mortgage of either the land or the building should be made under taking to be given

(ii) Lease / Sub lease should not be given to any third party in respect of the super structure to be constructed. Under taking to be given.

(iii) Plan and planning permit and other statutory requirements to be done in the name of the respondent only.

(iv) The Possession of the land and building to be handed over at the end of the lease period. No claim for construction whatsoever in nature will be entertained.

(v) The property tax, electricity connection and CMWSSB



WEB COPY



A.No.870 of 2022

connection to be in the name of the respondent only.

(vi) The applications may be directed to deposit 10% of the cost of construction towards guarantee for completing the construction within the stipulated period and as advance amount which shall carry no interest and the said advance amount will be repaid at the time of the handing over of the vacant possession of the land and building.

(vii) Rent revision on yearly basis of 10% may be ordered.

(viii) In the event of joint development of two properties into one building is ordered a new lease deed be executed by both the applicants as joint tenants."

3.The learned counsel appearing for the applicant submitted that the rent may be revised once in three years after completing the construction of the building. However, the learned AG & OT submitted that the rent would be revised once in a year, enhancing the existing rent by 10%.

4.Based on the counter filed by the learned AG & OT, the applicant/tenant has also given an affidavit of undertaking, dated 17.06.2022, and in Para No.4, it has been stated as follows :



WEB COPY



A.No.870 of 2022

"4. I submit that in respect of the conditions as stated by the AG & OT, this applicant gives and consent and undertaking in the following manner against each condition which are as follows :

- (i) The applicants undertakes that no sale or mortgage of either the land or building should be made.*
- (ii) The applicants undertakes that lease/sub lease will not be given to any third party in respect of the super structure to be constructed.*
- (iii) The applicants undertakes that plan and planning permit and other statutory requirements will be done in the name of respondent.*
- (iv) The applicants undertakes that at the end of lease period possession of the land and building will be handed over at the end of lease period and no claim for constructions whatsoever in nature will be entertained.*
- (v) The applicants undertakes that the property tax, electricity connection and CMWSSB connection to be in the name of the respondent only.*
- (vi) The applicants undertakes that instead of depositing 10% of the cost of the construction towards guarantee for completing the construction within the stipulated time, the applicant will provide bank deposits and investments as proof of source for the construction.*



WEB COPY



A.No.870 of 2022

(vii) Rent revision may be done every three years with enhancement of 5 percent.

(viii) The applicants is not doing any joint developments with any third party hence it may be ignored.

I further submit that I will take utmost care and comply with all the suitable direction from the respondent."

5.The learned AG & OT submitted that he has no objection for permitting the tenant to put up construction in the leased land.

6.In view of the submissions made by the learned counsel appearing for the applicant and also taking into consideration the counter filed by the learned AG & OT and also the affidavit of undertaking filed by the applicant, the applicant is permitted to construct in the leased premises bearing Door No.202, Thambu Chetty Street, Chennai - 600 001, as per the plan. It is made clear that there shall be an enhancement of rent every year at the rate of 10% over and above the prevailing rent.

7.With these observations, the application is disposed of.

01.07.2022
(1/2)



WEB COPY



A.No.870 of 2022

mkn

M. DURAISWAMY, J.

mkn

A.No.870 of 2022
in A.No.4146 of 2021
in O.P.No.316 of 1939

01.07.2022



WEB COPY



A.No.870 of 2022

(1/2)