



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 24th DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.Nos.928 to 931 of 2022

in

C.S.No.274 of 1899

George V, by the Grace of God of
Great Britain, Ireland and the British
Dominions beyond the Seas, King,
Defender of the Faith Emperor of
India

In the matter of the Estate of Maligai
Merchant of Madras Charities

1. Santha Chetty Samy Chetty (since deceased)
2. Theetha Chetty Sorri Chetty (do)
3. S.C.Alaganatha Chetty (do)

...Plaintiffs

by his legal representative Rajammal (Vide Order dated 4.8.1919)

and

1. Sivagamoo Ammal
2. M.Manicka Chetty, minor by his
guardian-ad-litem A.Viswanatha Chetty

...Defendants

A.Nos.928 to 931 of 2022:-

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

...Applicant



2. Biju Lukaose,
S/o Y. Lukose

3. Binu Alex,
D/o Y. Lukose

4. Brinson Lukose,
S/o Y. Lukose
All are at No.52, Pycrofts Road,
First Street, Royapettah,
Chennai – 600 014.

...Respondents

A.No.928 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondents to quit and deliver the vacant possession of the premises at D.No.52, Pycrofts Road, First Street, Royapettah, Chennai -14.

A.No.929 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondents to pay the rental arrears of Rs.17,50,500/- with simple interest @6% per annum from 01.11.2019 to till date.

A.No.930 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondents to pay damages for use and occupation of the premises at the rate of Rs.1,02,000/- per month till the date of handing over possession



from the date of order of eviction.

A.No.931 of 2022:-

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

These Applications coming on this day before this court for hearing in the presence of Mr.S.Raju, Administrator General and Official Trustee of Tamil Nadu, applicant in A.Nos.928 to 931 of 2022 appearing in person and Mr.V.V.Giridhar, Advocate for the Respondents in A.Nos.928 to 931 of 2022 and upon reading the order herein dated 01.04.2022 it is ordered as follows:-

That the Respondents in A.No.928 of 2022 be and is hereby directed to quit and deliver the vacant possession of the premises at D.No.52, Pycrofts Road, First Street, Royapettah, Chennai -14..

2. That the Respondents in A.No.929 of 2022 be and is hereby directed to pay the rental arrears of Rs.17,50,500/- with simple interest @6% per annum from 01.11.2019 to till date..

3. That the Respondents in A.No.930 of 2022 be and is hereby directed to pay damages for use and occupation of the premises at the rate of



date of order of eviction.

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4) That the applicant in A.No.931 of 2022 be and is hereby permitted to take over the vacant possession through police force; if the respondent fails to handover the possession.

Schedule

Premises at Door No.52, Pycrofts Road, First Street, Royapettah, Chennai 600 014, Town measuring of 1300 Sq.Ft. along with the fixtures, electrical fittings etc., bounded on the

North by : Not known

South by : Pycrofts road First Street

East by : No.53, AGOT Property

West by : No.51/18, Private Building

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 24th DAY OF JUNE 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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28.06.2022

A.Nos.928 to 931 of 2022
in
C.S.No.274 of 1899

ORDER

DATED : 24.06.2022

THE HON'BLE MR. JUSTICE
M.DURAISWAMY

FOR APPROVAL: 29.06.2022

APPROVED ON: 29.06.2022



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W/o Y.Lukose

2.Biju Lukaose,
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Application praying that this Hon'ble Court be pleased to direct the respondents to pay damages for use and occupation of the premises at the rate of Rs.1,02,000/- per month till the date of handing over possession from the date of order of eviction.



A.No.931 of 2022:-

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

These Applications coming on this day before this court for hearing, **the Court made the following order:-**

The learned Administrator General and Official Trustee of Tamil Nadu (“AG & OT” for brevity) has filed A.No.928 of 2022 to direct the respondents to quit and deliver the vacant possession of the premises at D.No.52, Pycraft Road, First Street, Royapettah, Chennai – 600 014.

2.The learned AG & OT has filed A.No.929 of 2022 to direct the respondents to pay the rental arrears of Rs.17,50,500/- with simple interest at 6 percent per annum from 01.11.2019 to till date.

3.The learned AG & OT has filed A.No.930 of 2022 to direct the respondents to pay the damages for use and occupation of the premises at the rate of Rs.1,02,000/- per month till the date of handing over of possession from the date of order of eviction.



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4.The learned AG & OT has filed A.No.931 of 2022 seeking permission to take over the vacant possession through police force in the event of the respondents failing to hand over the possession within the time frame fixed by this Court.

5.In support of the prayers sought for in the above applications, the learned AG & OT has filed a report, dated 02.03.2022, wherein, it has been stated as follows :

“The Official Trustee of Tamil Nadu humbly submits that the property bearing Door No. 52, Pycrofts Road. 1st Street Royapettah. Chennai 600 014 belongs to the Trust Estate of Maligai Merchant Charities: The same is vested under the administration of the applicant as per the order passed in C.S.No.274 of 1899 dated 01.03.1932.

2. The Official Trustee of Tamil Nadu humbly submits that the respondents are tenant in respect of Door No. 52. Pycrofts Road. First Street. Royapettah, Chennai 14, having an extent of 1300 Sq. Ft. Originally the husband of first respondent and father of respondent 2 to 3 namely Y. Lukove was the tenant. He entered into a lease agreement with the applicant on 01.04.2018 agreed to pay a monthly rent of Rs. 4,000/-.

3. The Official Trustee of Tamil Nadu humbly submits that the applicant found the rent fixed for the various



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premises of MM Charities fetching low rental income. proposed to increase the rent as per norms. This applicant directed the Junior Engineer attached to this office to fix the fair rent based on the building. location advantage, cost of construction and guide line value. Accordingly the Junior Engineer fixed fair rent. The Copy of report is marked as exhibit D1.

4. The Official Trustee of Tamil Nadu humbly submits that after the receipt of Engineer report the respondent were called upon to have a discuss for fixation of fair rent on 22.10.2019. On the date it was represented by the original lessees Tr. Y.Lukose died in July 2019 and family went to Kerala in connection with death. ceremony, this was informed by one Mr. Joseph the cousin brother of the deceased Y. Lukose on 08.11.2019. The respondents & 2 met the applicant. However, no amicable settlement in respect of rent was made.

5. The Official Trustee of Tamil Nadu humbly submits that this applicant finding no other way caused a notice on 13.11.2019 intimating the respondent the fixation of fair rent at the rate of Rs. 51,000/- per month, rent payable from 01.11.2019. The respondent received the notice however, has not chosen to send a reply or file any application before this Hon'ble Court for fixation of fair rent. The copy of notice with acknowledgement card is marked as Exhibit D2.

6. The Official Trustee of Tamil Nadu humbly submits that the respondents instead had preferred an



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application before the Hon'ble Court in 2375/2020 seeking the direction directing the applicant to execute a sale deed in respect of the suit property on reasonable price. The copy of petition filed by the respondent marked as Exhibit D3. This Hon'ble Court, after hearing both sides was pleased to dismiss the application on 18.02.2022. The copy of the Order is marked as Exhibit D4.

7. The Official Trustee of Tamil Nadu humbly submits that the respondents as tenants ought to pay the reasonable rent fixed by the Land Lord. The respondents though put on notice about fixation of rent had purposefully and wantonly neglected to pay the rent. As on date the respondents are liable to pay the rental arrears of Rs. 17,50,500/-."

6. Since the arrears is very much on the higher side and in fact, the respondents are in arrears of rent of Rs.17,50,500/-, by order dated 01.04.2022, this Court directed the respondents/tenants to pay the arrears within a period three weeks from 01.04.2022. Though the matter has been listed today, i.e., on 24.06.2022, the tenants have not paid the rental arrears. It is also brought to the notice of this Court that the property situates just opposite to Express Avenue Mall, which is in Royapettah, Chennai. Since the respondents failed to comply with the order dated 01.04.2022, this Court

has no other option except to allow these applications filed by the learned



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7. Accordingly, these applications are allowed.

Sd/-M.D.J.
24.06.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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