



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.DURAISWAMY

A.Nos.944,945, 947 & 948 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.944, 945, 947 & 948 of 2022:-

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

...Applicant



R.Govindarajan,
No. 46, Pycrofts Road,
1st Street Royapettah,
Chennai 600 014.

...Respondent

A.No.944 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondent to quit and deliver the vacant possession of D.No.46, Pycrofts Road, First Street, Royapettah, Chennai 14.

A.No.945 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondent to pay the rental arrears of Rs. 21,82,500/- with simple interest @ 6% per annum from 01.11.2019 to till date.

A.No.947 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondent to pay damages for use and occupation of the premises at the rate of Rs.1,26,000/- per month till the date of handing over possession from the date of order of eviction.

A.No.948 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 Tamilnadu, the applicant in A.Nos.944, 945, 947 & 948 of 2022 appearing in person and Mr. V.V.Giridhar, Advocate for the respondent in A.Nos.944, 945, 947 & 948 of 2022 and upon reading the order herein dated 01.04.2022, and this court having observed that the respondent 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 AG & OT, **it is ordered as follows:-**

That the respondent in A.No.944 of 2022 be and is hereby directed to quit and deliver the vacant possession of D.No.46, Pycrofts Road, First Street, Royapettah, Chennai – 14.

2. That the respondent in A.No.945 of 2022 be and is hereby directed to pay the rental arrears of Rs.21,82,500/- (Rupees Twenty One Lakhs Eighty Two Thousand Five Hundred only) with simple interest @ 6% per annum from 01.11.2019 to till date.

3. That the respondent in A.No.947 of 2022 be and is hereby directed to pay damages for use and occupation of the premises at the rate of Rs.1,26,000/- (Rupees One Lakhs Twenty Six Thousand only) per month till the date of handing over of possession from the date of order of eviction.

4. That the applicant in A.No.948 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.46, Pycrofts Road, First Street, Royapettah, Chennai – 600 014, Town measuring of 1710 Sq.Ft. Along with the fixtures, electrical fittings etc., bounded on the

North by	:	45, Private Building
South by	:	Pycrofts Road First Street
East by	:	No.47, Private Building
West by	:	No.45, Pathway

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

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A.Nos.944, 945, 947 & 948 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



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.944,945, 947 & 948 of 2022

in

C.S.No.274 of 1899

George V, by the Grace of God of
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In the matter of the Estate of Maligai
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1. Santha Chetty Samy Chetty (since deceased)

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and

1. Sivagamoo Ammal

2. M.Manicka Chetty, minor by his
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...Defendants

A.Nos.944, 945, 947 & 948 of 2022:-

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

...Applicant

versus

R.Govindarajan,
No. 46, Pycrofts Road,
1st Street Royapettah,
Chennai 600 014.

...Respondent

**A.No.944 of 2022:-**

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Application praying that this Hon'ble Court be pleased to direct the respondent to quit and deliver the vacant possession of D.No.46, Pycrofts Road, First Street, Royapettah, Chennai 14.

A.No.945 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondent to pay the rental arrears of Rs. 21,82,500/- with simple interest @ 6% per annum from 01.11.2019 to till date.

A.No.947 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondent to pay damages for use and occupation of the premises at the rate of Rs.1,26,000/- per month till the date of handing over possession from the date of order of eviction.

A.No.948 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:-**



Nadu (“AG & OT” for brevity) has filed A.No.944 of 2022 to direct the respondent to quit and deliver the vacant possession of the premises at D.No.46, Pycraft Road, First Street, Royapettah, Chennai – 600 014.

2.The learned AG & OT has filed A.No.945 of 2022 to direct the respondent to pay the rental arrears of Rs.21,82,500/- with simple interest at 6 percent per annum from 01.11.2019 to till date.

3.The learned AG & OT has filed A.No.947 of 2022 to direct the respondent to pay the damages for use and occupation of the premises at the rate of Rs.1,26,000/- per month till the date of handing over of possession from the date of order of eviction.

4.The learned AG & OT has filed A.No.948 of 2022 seeking permission to take over the vacant possession through police force in the event of the respondent 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 08.03.2022, wherein, it has been stated as follows :

“1. The Official Trustee of Tamil Nadu humbly submits that the property bearing Door No. 46, 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



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order passed in C.S.No.274 of 1899 dated 01.03.1932.

2. The Official Trustee of Tamil Nadu humbly submits that the respondent herein is in a tenant in respect of Door No. 46, Pycrofts Road, First Street. Royapettah, Chennai – 14, having an extent of 1710 Sq. Ft. The current rent which is paid by the respondent is too low. At presents the respondent is paying Rs.4,500/- per month which was fixed long back. This applicant found the rent to be too low and hence, directed the Junior Engineer attached with his office to assess and fix fair rent as per the guide line value and cost of construction. The learned Engineer considering the cost of construction and guide line value fixed fair rent and submitted the report. The report is marked as exhibit D1.

3 The Official Trustee of Tamil Nadu humbly submits that this applicant, after the receipt of report the respondent was called upon to have a meeting for fixation of fair rent. Accordingly the respondent met the applicant on 17.10.2019, However, he was reluctant to accept the fair rent fixed for the building on the ground that the super structure which was purchased by his father namely Mr. Ramasamy from the previous owners of the super structure namely Mrs Maragathammal.

4. The Official Trustee of Tamil Nadu humbly submits that the respondent being a tenant is not entitled to deny or claim title over the super structure. The respondent admitting the ownership of this applicant have been paying rent for long time.



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5. *The Official Trustee of Tamil Nadu humbly submits that the Guide line value pertaining to the land situated at Pycrofts Road, First Street is Rs. 4690/- per Sq. Ft. total land in occupation of the respondent is 1710 Sq. Ft. The constructed area is 3988 Sq. Ft. Considering all these aspects the monthly rent is fixed at Rs. 63,000/-. Since, the respondent is not ready to accept and pay the revised fair rent. The applicant was constrained to cause a notice on 02.11.2019 calling upon the respondent to pay the fair rent at Rs. 63,000/- per month with effect from 01.11.2019. The copy of notice with acknowledgement card is marked as Exhibit D2.*

6. *The Official Trustee of Tamil Nadu humbly submits that though the respondent received the notice, instead of paying the rent had filed an application before the Hon'ble Court in 2379/2020 seeking the direction directing this applicant to execute a registered sale deed in respect of petition mentioned property at the rate fixed by this Hon'ble Court. The copy of petition is marked as Exhibit D3. After hearing both sides this Hon'ble Court was pleased to dismiss the application as devoid on any merits 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 respondent being a tenant ought to pay the fair rent fixed based on the guide line value and cost of construction as per PWD norms. The respondent having received the notice has not replied or filed an application before this Hon'ble Court for fixation of fair rent for the past*



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3 years. As on date the respondent is liable to pay the rental arrears of Rs. 21,82,500/-. Unless the respondent pay the fair rent as well as the arrears of rent he is not entitled to continue as a tenant under the applicant. It is pertinent to point out that the respondent has not come forward to execute any lease agreement. In spite of several reminders.”

6. Since the arrears is very much on the higher side and in fact, the respondent is in arrears of rent of Rs.21,82,500/-, by order dated 01.04.2022, this Court directed the respondent/tenant 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 tenant has 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 respondent 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 AG & OT.

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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