



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.917 to 920 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.917 to 920 of 2022:-

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

...Applicant



2.Mr.S.Panduranga Rao,
S/o Sundar Rao

3.Mrs.Sesha Bai,
W/o Padmanaba Rao,
All are residing at
No.53, Pycrofts Road,
First Street, Royapettah,
Chennai – 600 001.

...Respondents

A.No.917 of 2022:-

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

A.No.918 of 2022:-

Application praying that this Hon'ble Court be pleased to direct the respondents to pay the rental arrears of Rs.29,07,500/- with simple interest @ 6% per annum from 01.11.2019 to till date.

A.No.919 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.1,67,000/- per month till the date of handing over of possession from the date of order of eviction.

**A.No.920 of 2022:-**

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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 the premises at D.No.53, Pycraft Road, First Street, Royapettah, Chennai – 14.

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.917 to 920 of 2022 appearing in person and Mr. V.V.Giridhar, Advocate for the respondents in A.Nos. 917 to 920 of 2022 and upon reading the order herein dated 01.04.2022, and this court having observed that the respondents failed to comply with the order dated 01.04.2022, and this court has no other option except to allow these applications filed by the learned AG & OT, it is ordered as follows:-

That the applicant in A.No.917 of 2022 be and is hereby permitted to take over the vacant possession through police force; if the respondents fails to handover the possession.

2. That the respondents in A.No.918 of 2022 be and is hereby directed to pay the rental arrears of Rs.29,07,500/- (Rupees Twenty Nine Lakhs Seven Thousand and Five Hundred only) with simple interest @ 6% per annum from 01.11.2019 to till date.

3. That the respondents in A.No.919 of 2022 be and is hereby



directed to pay damages for use and occupation of the premises at the rate of Rs.1,67,000/- (Rupees One Lakh Sixty Seven Thousand only) per month till the date of handing over of possession from the date of order of eviction.

4. That the respondents in A.No.920 of 2022 be and is hereby directed to quit and deliver the vacant possession of the premises at D.No.53, Pycraft Road, First Street, Royapettah, Chennai – 14.

SCHEDULE

Premises at Door No.53, Pycrofts Road, First Street, Royapettah, Chennai – 600 014, Town measuring of 2220 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.54, Private Building
West by	:	No.52, AGOT Property

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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29.06.2022

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A.Nos.917 to 920 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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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.53, Pycraft Road, First Street, Royapettah, Chennai – 14.

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.917 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.

2.The learned AG & OT has filed A.No.918 of 2022 to direct the respondents to pay the rental arrears of Rs.29,07,500/- with simple interest at 6 percent per annum from 01.11.2019 to till date.

3.The learned AG & OT has filed A.No.919 of 2022 to direct the respondents to pay the damages for use and occupation of the premises at the rate of Rs.1,67,000/- 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.920 of 2022 to direct the respondents to quit and deliver the vacant possession of the premises at D.No.53, Pycraft Road, First Street, Royapettah, Chennai – 600 014.

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 :

“The Official Trustee of Tamil Nadu humbly submits that the property bearing Door No. 53, 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 herein are the tenants in occupation of the said premises having an extent of 2220 Sq. Ft. The current rent paid by the respondents is Rs. 6000/- per month which was fixed long back. The total constructed area under the occupation of the respondent's area 3112 Sq. Ft.

3. The Official Trustee of Tamil Nadu humbly submits that this applicant found the rent being paid by the respondents are too low and hence, directed the Junior Engineer of this office to assess and fix fair rent for the building under the occupation of the respondents.



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Accordingly the Junior Engineer inspected the property and based on the guide line value and cost of construction fixed fair rent submitted his report. The Engineer report is marked as Exhibit D1. After the receipt of the Engineers Report, the respondents were called upon to have a meeting with the applicant on 21.10.2019. In order to fix a fair rent. However, though the respondents attended the meeting were not willing to pay the fair rent.

4. The Official Trustee of Tamil Nadu humbly submits that the property rented out to the respondents is situated in the prime area wherein the guide line value comes to 4690/- per Sq. Ft. The total constructed area is 3112 Sq. Ft. The land cost as per the guide line value comes to Rs. 1,04,11,800/-. Since, the place is nearly 100 years old the value is fixed at Rs. 7,20,595/- and the monthly fair rent is fixed at Rs. 83,500/-.

5. The Official Trustee of Tamil Nadu humbly submits that this applicant caused a notice demanding the respondents to pay the fair rent for the building at the rate of Rs.83,500/- payable from 01.11.2019. The respondents received the notice and acknowledgement is marked as Exhibit D2. Though the respondent's received the notice has not come forward for paying the rent as demanded by the applicant. On the other hand they have filed the application before the Hon'ble Court in A.No. 2378 of 2020 seeking for a direction to direct this applicant to execute a sale deed at a market price fixed by this Hon'ble Court. The copy of petition is marked as Exhibit D3.



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6. *The Official Trustee further submits that this Hon'ble Court after hearing both sides was pleased to dismiss the application. The copy of the Order is marked as Exhibit D4. The petitioner being a tenant is liable to pay the just and fair rent fixed by the applicant. The respondents purposefully and wantonly omitted and neglected to pay the fair rent. As on date the respondents are in arrears of Rs.29,07,500/ Unless the respondents pay the fair rent as well as the arrears of rent they are not entitled to continue as a tenant under the applicant. It is pertinent to point out that the respondents 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 respondents are in arrears of rent of Rs.29,07,500/-, 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 AG & OT.



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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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