



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.1162 to 1165 of 2021

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 Estate of Maligai Merchant Charities.

1. Santha Chetty Samy Chetty (since deceased),
Black Town Madras.

2. Theetha Chetty Soori Chetty (since deceased),

3. S.C.Alaganatha Chetty (since deceased),
by his legal representative Rajammal
(vide order dated 4.8.1919)

..Plaintiffs

Vs.

1. Sivagamoo Ammal,

2. M.Manicka Chetty
Minor by his guardian-ad-litem,
A.Viswanatha Chetty

..Defendants

A.Nos.1162 to 1165 of 2021

The Official Trustee of Tamil Nadu,
High Court Campus,
Chennai 600 104.

..Applicant

-VS-

1. Tmt. S.Bharathi,
No.173, Pycrofts Road,
Royappetah,



Chennai 14.

2. Mr.Sivakumar,
N.173, Pycrofts Road,
Royapettah,
Chennai 14.

..Respondents

A.No.1162 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 Door No.173, Pycrofts Road, Royapettah, Chennai -14, to the applicant within a time frame.

A.No.1163 of 2021

Application praying that this Hon'ble Court be pleased to direct the first respondent to pay the rental arrears upto 31/01/2021 aggregating a sum of Rs.38,000/- 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.1164 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 01.02.2021 to till the date of delivery of vacant possession at the rate of Rs.20,000/- per month.

A.No.1165 of 2021

Application praying that this Hon'ble Court be pleased to if the

Respondents fail to handover the vacant possession within the time framed



by this Honble Court, the applicant may be permitted to take over the vacant possession through police force.

This Application coming on this day before this Court for hearing in the presence of Mr.S.Raju, The Administrator General and Official Trustee of Tamil Nadu, the applicant in all applications appearing in person and the respondents herein not appearing in person or by advocate and upon reading the judge's summons and Report of the Official Trustee of Tamil Nadu filed in all applications and it is ordered as follows:-

That the respondents in A.No.1162 of 2021 be and are hereby directed to handover vacant possession of the premises in the ground floor of Door No.173, Pycrofts Road, Royapettah, Chennai-14, within one week from the date of receipt of a copy of this order.

2. That the first respondent in A.No.1163 of 2021 be and is hereby directed to pay the rental arrears upto 31.01.2021 aggregating a sum of Rs.38,000/- 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.

3. That the respondents in A.No.1164 of 2021 be and are hereby directed to pay the damages for the premises occupied by them from



Rs.20,000/- per month;

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4. That in the event of the respondents in A.No.1165 of 2021 not handing over the possession, within the said time, the learned Administrator General and Official Trustee shall be at liberty to take possession of the property with the assistance of the police.

Schedule

Premises of a Shop bearing Door No.173, Pycrofts Road, Royapettah, Chennai 600 014, in Ground Floor having extent of 410 Sq.ft, bounded on the

North by : Parthasarathy house

South by : Virthambal house

East by : Bharathi Salai

West by : 175, Pycrofts Road

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI ACTING 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.1162 to 1165 of 2021
in
C.S.No.274 of 1899

ORDER :

DATED :04.02.2022

THE HON'BLE MR.JUSTICE
M.DURAISWAMY

FOR APPROVAL: 17.03.2022

APPROVED ON: 18.03.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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FRIDAY THE 4th DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.Nos.1162 to 1165 of 2021

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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.

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A.Nos.1162 to 1165 of 2021

The Official Trustee of Tamil Nadu,
High Court Campus,
Chennai 600 104.

..Applicant

1. Tmt. S.Bharathi,



No.173, Pycrofts Road,
Royappetah,
Chennai 14.

2. Mr.Sivakumar,
N.173, Pycrofts Road,
Royapettah,
Chennai 14.

..Respondents

A.No.1162 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 Door No.173, Pycrofts Road, Royapettah, Chennai -14, to the applicant within a time frame.

A.No.1163 of 2021

Application praying that this Hon'ble Court be pleased to direct the first respondent to pay the rental arrears upto 31/01/2021 aggregating a sum of Rs.38,000/- 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.1164 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 01.02.2021 to till the date of delivery of vacant possession at the rate of



A.No.1165 of 2021

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Application praying that this Hon'ble Court be pleased to if the Respondents fail to handover the vacant possession within the time framed by this Honble Court, the applicant may be permitted to take over the vacant possession through police force.

These Applications coming on this day before this Court for hearing the Court made the following orders:-

Pursuant to the order dated 09.04.2021, 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.1163 of 2021- To direct the first respondent to to pay the rental arrears upto 31.01.2021 aggregating a sum of Rs.38,000/- wish applicable administrative charges as charged for delayed payment applicable to all the tenants together with bank interest at the rate of 6% per



(ii) Application No.1164 of 2021 - To direct the respondents to pay the damages for the premises occupied by them from 01.02.2021 to till the date of delivery of vacant possession at the rate of Rs.20,000/- per month; and

(iii) Application No.1165 of 2021 - In the event of the respondents failed to handover the vacant possession within the time frame, the AG & OT may be permitted to take over the vacant possession through police force.

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.173, Pycrofts Road, Royapettah, Chennai 600 014 belongs to the Trust Estate of MM Charities. It is an old tiled house. The Trust Estate of Maligai Merchant Charities is being administered by the office of the Official Trustee of Tamil Nadu as per the scheme decree of the Hon’ble High Court in C.S.No. 274/1899 dated 01.03.1932.

2. The Official Trustee further submits that in the said property there are various tenants and paying rent to the Official Trustee. The subject property of 410 Sq. Ft. was leased out to Mrs. R. Bharathi, first respondent on a monthly rent Rs.2,000/- p.m.



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3. The Official Trustee further submits that the said tenant has not paid the rent from the month of July, 2019 to December, 2020 for 18 months. When the Applicant's office staff tried to serve the demand notice to the first respondent but the tenant was not available in the premises and the door was locked. On enquiry that her son has been staying and sub-letted the portion to some third party.

4. The Official Trustee further submits that the applicant himself inspected the property on 11.01.2021 and found that the residential portion was locked. On enquiry, it reveals that the first respondent has sub-letted the portion to one Thiru Sivakumar, the second respondent who is doing water can business and collected huge rent. The first respondent has violated the lease agreement and terms and conditions. The first respondent was called for appearance before the applicant. But she is evading to appear so far.

5. The Official Trustee further submits that in this regard, the applicant sent a notice dated 18.01.2021 to the first respondent directing to pay the arrears of rent from July, 2019 to December, 2020 totally Rs.36,000/- with applicable penalty, which will be calculated when the arrears payment would be made, and since the first respondent had violated the lease terms and conditions, her lease will be terminated and possession will be taken after a week time. The notice was returned with an endorsement "No such person" on



19.01.2021.

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6. The Official Trustee further submits that as the first respondent not come forwarded for making payment of rental arrears and not appeared before the applicant and not submitted any reply or reason for payment of arrears of rent, the applicant terminated the first respondent's tenancy and sent a termination notice dated 23.02.2021 to the first respondent directing to vacate the premises immediately and deliver the vacant possession as she sub-letted the property to second respondent and pay the rental arrears and damages for illegal occupation on receipt of the notice, failing which suitable legal steps will be taken against the first respondent. The termination notice was returned with an endorsement "Left" on 01.03.2021. Hence, this application for quit and deliver vacant possession and other reliefs.

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 Door No.173, Pycrofts Road, Royapettah, Chennai-14, to the applicant within a time frame;

(ii) Direct the first respondent to pay the rental arrears upto 31.01.2021 aggregating a sum of Rs.38,000/- 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 01.02.2021 to till the date of delivery of vacant possession at the rate of Rs.20,000/- 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.”

5. I am satisfied with the report filed by the learned Administrator General and Official Trustee. In view of the same, 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.

With the above observations, the applications are allowed.

Sd./-M.D.J
04.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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