



A.No. 8473 of 2019

in

C.S.No.363 of 1912



M.DURAISWAMY, J.

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The learned Administrator General and Official Trustee has filed the application to direct the respondents to pay the rental arrears from October, 2012 to 10.08.2018 in respect of the property at Door No. 877, Thiruvottiyur High Road, Chennai - 600 019 with applicable administrative charges as charged for delayed payment.

2. The learned Administrator General and Official Trustee submitted that a sum of Rs.1,16,37,500/- is due and payable by the respondents towards the rental arrears commencing from October 2012 to 10.08.2018.

3. In the report filed by the learned Official Trustee, it has been stated as follows:

'The Official Trustee of Tamil Nadu humbly submits that the property in Door No.877, Thiruvottiyur High Road, Chennai 600 019, to an extent of 4,412 Sq. Ft. of land with old building pertaining to the Trust Estate of Ponnambalam Pillai is under the administration of Official Trustee as per the Scheme Decees of this Hon'ble Court in C.S.No.363 of 1912, dated 22.02.1915 [D1].

2. The Official Trustee further submits that since the property was kept vacant. To lease out to the interested person, so as generate income from the property, a paper publication for the auction to be held



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was published in the Daily Thanthi dated 27.05.2012.



3. The Official Trustee further submits that the auction was conducted on 11.06.2012. The Respondent had knocked down the bid by bidding the highest amount of Rs.1,66,000/- per month as rent. The Respondent paid the advance of Rs.4,98,000/- along with Electricity Deposit of Rs.41,500/-. The Respondent had then executed a Lease Agreement dated 02.07.2012 with the Applicant in his favour **[D2]**. The vacant possession was handed over to the Respondent on 02.07.2012 **[D3]**.

4. The Official Trustee further submits that the Respondent had moved an Application before the Hon'ble High Court for permitting him to put up a permanent structure in the property let out to him in A.No.3617 of 2012 in C.S.No.363 of 1912. The said Application was dismissed by this Hon'ble Court for default **[D4]**. The Respondent had later demolished the existing old building on his own.

5. The Official Trustee further submits that the Respondent had paid the monthly rent of Rs.1,66,000/- up to September, 2012. The Respondent had failed to remit the monthly rent from October, 2012 onwards. Demand Notices were sent on 27.11.2013, 28.07.2016, 12.08.2016 and 09.09.2016, but in vain **[D5 to D8]**.

6. The Official Trustee further submits that the Applicant filed an Application in A.Nos.1884/2014, 1885/2014 and 1886/2014 in C.S.No.363 of 1912 praying that this Hon'ble High Court may be pleased to direct the Respondent to quit and deliver the vacant possession in respect of the premises bearing No.877, Thiruvottiyur High Road, Chennai 600 019 and to pay the arrears of Rs.28,26,250/- from October, 2012 to February, 2014 including administrative charges, and to pay an amount of Rs.1,66,000/- per month for use and occupation from March, 2014 to till the delivery of possession. This Hon'ble High Court was pleased to pass a common order on 26.04.2016 for the above applications as follows: **[D9]**.



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“(i) The respondent is directed to quit and deliver the vacant possession, in respect of the premises bearing door

No,877, Thiruvottiur High Road, Chennai, within a period of two months from the date of this order.

(ii) The respondent is directed to pay the arrears of Rs.28,26,250/- from October, 2012 to February, 2014 including the administrative charges.

(iii) The respondent is directed to pay a monthly rent of Rs.1,66,000/-, per month for the use and occupation of the property in question, from the month of March, 2014, till the date of Possession.”

7. The Official Trustee further submits that the Applicant had issued a termination notice to the Respondent on 28.07.2016 as the Respondent did not comply with the orders of the Hon'ble High Court [D10]. The same was returned with postal endorsement “Unclaimed” [D11]. Later a copy of the same was served through a special messenger to the Respondent's father [D12]. The Respondent appeared before the Official Trustee on 14.09.2016 and had requested time for payment of the arrears. Thereafter, the Respondent did not turn up.

8. The Official Trustee further submits that the Official Trustee had deputed the office staff Thiru. Masilamani – Gullah to collect the details of the property. Thiru.Masilamani - Gullah had submitted his report dated 25.10.2016 stating that a garment shop in the name and style of “New Calcutta Cotton Mills” is running its business in the leased property [D13]. The Official Trustee sent a letter dated 08.02.2018 to “New Calcutta Cotton Mills “ to appear in person [D14]. But they did not turn up.



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9. The Official Trustee further submits that a letter dated 08.02.2018 was addressed to the “New Calcutta & Thiruppur Cotton Mela” by the then Official Trustee calling for explanation for their illegal occupation of the said premises [D15]. But they did not turn up. Subsequently, a letter dated 09.02.2018 was also addressed to two addresses of the Respondent calling for appearance [D16]. But the letters were returned with postal endorsement “No such person & Addressee left” [D17]. Hence, the Official Trustee deputed Thiru Pavazhavanan – Junior Assistant of this office to know the conditions of the premises. Thiru Pavazhavanan had submitted his report dated 10.08.2018 that he had locked and sealed the shop on 10.08.2018 [D18].

10. The Official Trustee further submits that the Respondent was called to appear in person on 20.09.2019. The Respondent appeared and discussed regarding the payment of rent arrears. He took time for payment. The Applicant then sent a letter dated 26.09.2019 directing the Respondent to pay the rental arrears of Rs.1,16,37,500/- on or before 21.10.2019 [D19]. The letter was returned with postal endorsement “Addressee left that place without instructions” [D20].

11. The Official Trustee further submits that the Respondent was called through a phone to know why notice was returned? To it, the Respondent stated that he had shifted his residence to another block of the same apartment. At his request a copy of that letter was again sent to his new address with a letter dated 11.10.2019, directing the Respondent to pay the rental arrears by the end of October, 2019 [D21]. But the Respondent failed to remit the rental arrears within the stipulated time given to him.

12. The Official Trustee further submits that as per the orders of the Hon’ble High Court dated 26.04.2016, it is made clear that the Respondent did not act upon. In view of the this present application is filed with a request that this Court may be pleased to direct



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the Respondent to pay the rental arrears from October, 2012 to 10.08.2018 i.e. the date of taking of vacant possession by seal and lock by the Official Trustee of Tamil Nadu, of the premises bearing Door No.877, Thiruvottiyur High Road, Chennai -600 019. In the event of failure to do so, the Applicant may be permitted to initiate further action legally.

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 Respondent to pay the rental arrears from October, 2012 to 10.08.2018 i.e. the date of taken over the vacant possession by the way of sealing and locking by the Official Trustee of Tamil Nadu of the premises bearing Door No.877, Thiruvottiyur High Road, Chennai-600 019 with applicable administrative charges as charged for delayed payment, applicable to all the tenants;*
- (ii) For such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case'*

4. In view of the report submitted by the learned Official Trustee, the prayer sought for in the application in A.No. 8473 of 2019 is granted and accordingly, the application is allowed.

25.02.2022

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M.DURAISWAMY, J.

(mrn)

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