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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 18TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.DURAISWAMY

A.Nos.9617 and 9620 of 2019

in

O.P.No.109 of 1942

In the matter of the Will of Rao Bahadur V.Thiruvengadathan Chetty (Late) of No.1, "West Croft", Barnaby Road, Vepery, Madras but now deceased.

Administrator General and
Official Trustee of Tamil Nadu.

..Petitioner

A.Nos.9617 & 9620 of 2019:

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

..Applicant

-VS-

Mr.M.Swaminathan,
No.57, Second Cross Street,
First Avenue,
Vettuvankeni,
Chennai 600 115.

...Respondent



A.No.9617 of 2019:

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Application praying that this Hon'ble Court be pleased to grant an order of direct the Respondent to quit and deliver the vacant possession of premises in the first floor of No.47, Moore Street, George Town, Chennai 1, within a time frame.

A.No.9620 of 2019:

Application praying that this Hon'ble Court be pleased to grant an order of the Respondent fails to handover the vacant possession within the time framed by this Hon'ble Court, the Applicant should not be permitted to take over the vacant possession through police force.

These applications coming on this day before this Court for hearing in the presence of Mr.Raju, the Administrator General and Official Trustee of the Tamil Nadu, the applicant in both applications appearing in person, and Mr.T.T.Ravichandran, Advocate for the Respondent herein and upon reading the Judges Summons and the report of the Official Trustee of Tamil Nadu filed in both applications, **The Court made the following orders:**

The learned AG&OT has filed the above applications to direct the respondent to quit and deliver the vacant possession of the premises within a time frame, and if the respondent fails to handover the vacant possession,



to take over the vacant possession through police force.

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2. After the filing of the above applications, the matter was referred to the Lok Adalat for exploring the possibilities of settlement. Before the Lok Adalat, the respondent arrived at a settlement and pursuant to the same, an Award was passed by the Lok Adalat on 11.09.2021. As per the Award, the respondent-tenant was directed to pay the arrears of rent in four installments commencing from 01.10.2021 and it was made clear that non-compliance of the said condition would result in vacating the subject property. Admittedly, the respondent-tenant has not complied with the terms of the Award dated 11.09.2021.

3. Since the Lok Adalat Award itself is a self-working Award for taking possession of the subject property, I direct the learned AG&OT to take possession of the subject property. In the event of any difficulty faced by the learned AG&OT in taking possession of the subject property, it is open to the learned AG&OT to avail the services of the police personnel while taking possession of the subject property. Accordingly, the above applications are ordered.

**Schedule**

WEB COPY Premises of a Shop bearing Door No.47, Moore Street, Chennai 600

001, in First Floor having extent of 910 Sq.ft , bounded on the

North by : No.48, Moore Steet,

South by : Door No.46, Moore Street

East by : Moore Street

West by : Private Building

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH
BHANDARI CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 18TH 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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11.03.2022

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A.Nos.9617 and 9620 of 2019
in
O.P.No.109 of 1942

ORDER

DATED: 18.02.2022

THE HON'BLE MR. JUSTICE
M.DURAISWAMY

FOR APPROVAL:15.03.2022

APPROVED ON : 15.03.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 18TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

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in

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A.No.9620 of 2019:

Application praying that this Hon'ble Court be pleased to grant an order of the Respondent fails to handover the vacant possession within the time framed by this Hon'ble Court, the Applicant should not 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:-

The learned AG&OT has filed the above applications to direct the respondent to quit and deliver the vacant possession of the premises within a time frame, and if the respondent fails to handover the vacant possession, to take over the vacant possession through police force.

2.After the filing of the above applications, the matter was referred to the Lok Adalat for exploring the possibilities of settlement. Before the Lok Adalat, the respondent arrived at a settlement and pursuant to the same, an



Award was passed by the Lok Adalat on 11.09.2021. As per the Award, the respondent-tenant was directed to pay the arrears of rent in four installments commencing from 01.10.2021 and it was made clear that non-compliance of the said condition would result in vacating the subject property. Admittedly, the respondent-tenant has not complied with the terms of the Award dated 11.09.2021.

3. Since the Lok Adalat Award itself is a self-working Award for taking possession of the subject property, I direct the learned AG&OT to take possession of the subject property. In the event of any difficulty faced by the learned AG&OT in taking possession of the subject property, it is open to the learned AG&OT to avail the services of the police personnel while taking possession of the subject property. Accordingly, the above applications are ordered.

Sd./-M.D.J
18.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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