



A.Nos.181 to 183 of 2022

A.No.181 to 183 of 2022
in O.P.No.278 of 1948

S.VAIDYANATHAN,J.

A.No.183 of 2022 has been filed by the Official Trustee of Tamil Nadu for a direction to the respondent herein to pay the balance lease arrears amount of Rs.2,20,272/- for the period from July, 2016 to June, 2018 and Rs.24,14,267/- from July, 2019 to June, 2020 and Rs.24,14,267/- from July, 2020 to June, 2021, aggregating to a sum of Rs.50,48,806/- with necessary administrative charges for the delayed payment applicable to all the tenants.

2. The respondent has submitted that after taking lands on lease on 12.09.2011, it was found that there were several encroachments on the leased portions and the respondent could not utilize the leased out lands without clearing those encroachments. The respondent has further submitted that pursuant to the orders of this Court dated 01.04.2022, the vacant possession of the land has been handed over to the Official Trustee. Though the respondent has not utilized the space, without any reason, there was a periodical revision of the lease amount by the Official Trustee. The respondent has also submitted that there was a lock down for a period of two years on account of Covid-19 and the demand of Rs.58 lakhs towards arrears of lease amount and administrative charges is not justified and the Official Trustee has no right to claim such a huge amount.

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3. I am not inclined to accept the contention of the respondent herein for the reason that the respondent, upon finding that the land is unusable, ought to have handed over the possession to the Official Trustee immediately on the 2nd day of taking delivery of the premises and the respondent, having utilized the place for more than a decade, cannot make hue and cry at the 11th hour, by shedding crocodile tears, stating that no amount, including administrative charges can be demanded. When there was a proper lease agreement executed, it is a duty cast upon the respondent to adhere to the demand in respect of payment of arrears as per the agreement.

4. Hence, finding no substance or merit in the submission of the respondent, *A.No.183 of 2022 filed by the Official Trustee is allowed* and the Official Trustee shall collect the arrears of amount in the manner known to law. Since the respondent has stated that the vacant possession has already been handed over to the Official Trustee, which fact has been affirmed by the Official Trustee, the relief sought for in A.Nos.181 & 182 of 2022 has become infructuous. Accordingly, *A.Nos.181 & 182 of 2022 are closed.*

01.02.2023

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