



Application No.1049 of 2022 in C.S. No.363 of 1912

S. VAIDYANATHAN, J.

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This application has been filed by the Administrator General and Official Trustee, seeking to:

a direct the respondent to quit and deliver vacant possession of No.23, Kanakkar Street, Theradi, Thiruvotriyur, Chennai 600 019;

b direct the respondent to pay the rental arrears from March 2020 (part rent) to February 2022, aggregating to a sum of Rs.1,19,275/-, with applicable administrative charges as charged for delayed payment applicable to the tenants together with bank interest @ 6% per annum;

c direct the respondent to pay damages for use and occupation of the premises @ Rs.10,200/- per month till the date of handing over possession from the date of eviction; and

d permit the applicant to take over vacant possession through police force, in the event of the respondent failing to hand over vacant possession of the property.

2 This is a peculiar case, in which, on the very next day of handing over the keys of the property, lockdown was declared owing to COVID-19 pandemic, which prevented the respondent from taking over possession of the property, due to which, she had taken possession of the property only after six months.

3. Though it has been contended by the petitioner that possession was handed over to the respondent on the day prior to the day lockdown was declared, the fact that the respondent took possession of the property only after six months is

not controverted. That apart, since the total extent is only 75 sq. ft. and not 125 sq.



ft. which has been accepted by the Trustee, the respondent is expected to pay the arrears @ Rs.41 per sq. ft. after the period of six months from the date of declaration of lockdown on account of COVID-19 and on the expiry of six months from the date of entering into the agreement for lease in March 2020, the subsequent revision at 10% on the existing rent will have to be paid and the respondent has also agreed to pay the same.

In view of the above, this application is ordered directing the respondent to pay the arrears of rent upto June 2023 in three instalments and from July 2023 onwards, subject to entering into lease agreement, which cannot be for a period exceeding three years, rent shall be paid as stipulated in the agreement.

21.07.2023

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To

The Administrator General & Official Trustee
High Court Buildings
Chennai 600 104

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