A.Nos.2671 to 2675 of 2023
in C.S.No.337 of 2003
and C.S.No.408 of 2014

R.N.MANJULA,J.

The applicant / defendant in C.S.No.337 of 2003 has filed all the applications seeking relief as tabulated hereunder:

S.No.	Application Nos.	Relief sought for
1	A.No.2671 of 2023	To direct the Advocate Receiver to furnish the applicant the statements of accounts from the date of appointment and regularly file the same every three months with a copy of the petitioner.
2	A.No.2672 of 2023	To direct the Advocate Receiver to remove the unauthorized and illegal encroachers and trespassers, who ar not in the List of Tenants filed before this Hon'ble Court with Police Aid.
3.	A.No.2673 of 2023	To direct the Advocate Receiver to take appropriate steps to evict the defaulting tenants who are in arrears of Rent/Sub letting.
4.	A.No.2674 of 2023	To direct the Advocate Receiver to fix fair rent for the tenants and evict those who have not agreed to get the Tenancy registered under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017
5.	A.No.2675 of 2023	To direct the Advocate Receiver to take appropriate steps to get the property Tax fixed before the Greater Chennai Corporaion based on its Annual Rental Value.

2. The respondent/plaintiff has filed a suit in C.S.No.357 of 2003

seeking partition. The applicant /defendant has filed a suit in C.S.No.48 of 2014 for declaration. Both the suits are sent together and common evidence is being let in.

3. The learned counsel for the applicant / defendant submitted that the dispute is between two brothers and the suit property is huge and it is administered by the Advocate Receiver who is being appointed from time to time. Since the consecutive Advocate Receivers died, the proper accounts and management of the income and expenditure of the properties is not available and that the properties are loosing its value.

4. The learned counsel for the applicant further submitted that taking advantage of the extraneous situation, some of the parties have encroached and made illegal occupation. The listed tenants were also evading to pay rent and the present rent is also very meager; if the situation is allowed to be continued, nothing will remain to the parties at the end.

5. The respondent/plaintiff also realizes the ground realities and the learned counsel for the respondent/plaintiff said he has no objection for

allowing these applications.

6. The present Advocate Receiver Mr.S.Venkidusamy who appeared today has submitted that the tenants are committing default in paying rent and it is difficult to trace out the back records of the accounts and some of the Rent control proceedings are pending for exparte evidence.

7. Though it is stated by the learned Advocate Receiver that he is filing reports periodically, the learned counsels for the applicant and the respondent claimed that they have not received the copies of the report filed by the Advocate Receiver.

8. Hence, the learned Advocate Receiver is directed to take steps to revise the property tax and conduct the rent control proceedings etc. For the reasonable expenses that might be incurred for performing the above functions, the Advocate Receiver is entitled to use the income of the estate and by maintaining proper accounts. It is needless to add that the parties should

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also cooperate with the Advocate Receiver in his endeavours to set right the situation.

9. No doubt the task given to the Advocate Receiver is huge and time consuming and the existing monthly fee of Rs.10,000/- to the Advocate Receiver is very low, not sufficient. Hence, the Advocate Receiver is at liberty to file a memo for enhancement in respect of the functions that has to be carried out by him.

10. With the above observations, all the applications are allowed.

08.06.2023
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