



A.Nos.1395 to 1398 of 2023

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in A.No.4148 of 2021

in C.S.No.187 of 1966

S.VAIDYANATHAN,J.

These applications have been filed by the Official Trustee of Tamil Nadu, seeking following relief:

<i>Sl.No.</i>	<i>Case No.</i>	<i>Prayer</i>
1.	A.No.1395/2023	For a direction to the respondent to quit and deliver the vacant possession of 109.58 sq.ft. at D.No.98, Wall Tax Road, Sowcarpet, Chennai.
2.	A.No.1396/2023	For a direction to the respondent to pay the arrears of rent at the rate of Rs.5,191/- per month from July, 2022 to till handing over of vacant possession of the property.
3.	A.No.1397/2023	For a direction to the respondent to pay damages for use and occupation of the premises at the rate of Rs.10,382/- per month from the date of filing of this application till the date of handing over possession.
4.	A.No.1398/2023	For a direction to the applicant to take over the vacant possession through police force, if respondent fails to hand over the vacant possession.

2. Learned Additional Deputy AG & OT has submitted that the Trust property is under the control of the office of AG&OT and the property was occupied by the respondent herein. It is further submitted that though the rent has been revised after getting a report from the Engineer, the respondent has not come forward either to pay the enhanced amount or to execute the rental agreement with AG&OT.



A.Nos.1395 to 1398 of 2023

3. Learned counsel for the respondent has submitted that the respondent was originally inducted as a tenant by the Sole Trustee and thereafter, the Trust Property was taken over by the AG&OT, in which, he has been running a two wheeler mechanic shop and the rent of more than Rs.5,000/- per month now fixed by the AG&OT is highly exorbitant. Therefore, he has requested this Court to reduce the rent.

4. When this Court posed a question to the learned counsel for the respondent as to whether the respondent is ready to pay Rs.4,000/- per month as rent, learned counsel, on instructions from the respondent, has stated that the respondent has agreed for the same.

5. In view of the above, these applications are disposed of with the following directions:

i) The AG&OT shall enter into a lease agreement with the respondent herein, if not already executed, by fixing the rent of Rs.4,000/- per month as agreed by the respondent. The renewal of lease shall not exceed three years at any point of time and the renewal can be done periodically on expiry of upper time limit prescribed every year;



A.Nos.1395 to 1398 of 2023

ii) As and when lease period is extended every year, there should be a periodical revision of rent at the rate of 10% on the rent paid the previous year;

iii) The subject property will vest with the AG&OT and the renewal of lease will only be for the limited purpose of occupation, for which the subject property was leased out. It is made clear that the Applicant shall not make any alteration to the subject property without prior permission of the Court;

iv) The respondent shall pay the difference in amount towards rental arrears to the AG&OT as expeditiously as possible.

16.06.2023

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To:

The Administrator General and
Official Trustee of Tamil Nadu,
High Court, Madras.



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