



**A.No.63 of 2021
in
O.P. No.242 of 1955**

S. VAIDYANATHAN, J.

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This application has been filed for a direction to the respondent to sell the schedule mentioned shop property to the applicant for a consideration of Rs.15 lakhs without any lien or encumbrance and upon handing over of vacant possession and fix the terms of sale.

2 The case of the applicant is that the building in question, which belongs to the respondent, is in a dilapidated condition; his family has been residing there for more than 55 years; and the building may be sold to him for Rs.15 lakhs.

3 The respondent has filed a counter affidavit stating *inter alia* that the property in question is the only one property available with the respondent; the respondent is not willing to sell the property; the applicant, being a tenant, has no *locus* to seek a prayer as sought in this application.

4 In response, the learned counsel for the applicant submitted that the extent of the building is 160 sq. ft.; no prejudice is going to be caused if the building is sold to him; the applicant, being a tenant, has been paying a monthly rent of Rs.10,500/- with effect from 01.11.2022; and that the lease period expired on 30.09.2023.



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5 Heard both sides.

6 Admittedly, the property belongs to the respondent. But it noted, none can compel the respondent to sell the property. It is for the respondent to take a call as to how the property has got to be maintained. According to the respondent, even though it has been stated in the counter affidavit that the property could fetch more than Rs.25 lakhs, they are not interested in disposing of the same.

7 In view of the above categorical submission made by the respondent, it is open to the applicant to continue as a tenant, in case the lease is renewed periodically and if any request is made for demolition and reconstruction by the applicant by getting a proper plan, it is open to the respondent to consider the same and this Court will decide depending upon the plea that may be taken by the parties at that appropriate time.

In the result, this application stands dismissed.

11.09.2023

cad

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