



A.No.5660 of 2022

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in O.P.No.80 of 1940

S.VAIDYANATHAN,J.

This application has been filed for a direction to the respondent / Official Trustee to grant and register the lease deed for 25 years to the applicant herein in respect of the leased out premises at No.8, Thirumanjana Gopuram Street, Thiruvanamalai, measuring 2880 sq.ft.

2. Learned counsel for the Applicant has submitted that the subject property was rented out to the applicant way back in the year 1942 and he has all along been paying the monthly rents regularly without any default. Hence, he prayed that this Court may consider extension of lease period for another 25 years.

3. Learned Administrator General and Official Trustee (AG & OT) has contended that in the event of grant of extension for long term lease, the petitioner may be directed to enhance the rent at the rate of 10% every year during the period of lease.

4. The Applicant has filed an affidavit dated 12.04.2023, wherein, among other things, he has stated as follows:

"3. Presently I agree to pay a sum of Rs.6,500/- as monthly rent for the land that is leased out to me, according to English Calendar month from the date of the fresh lease deed. I undertake to pay the increase in the monthly lease amount, once in eleven months at 10% or as directed by the

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Hon'ble Official Trustee. I further undertake to pay the monthly lease amount to the trust, without any default.

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4. I undertake to abide by the conditions with regard to the period of lease or extension of the period of the lease or determination of the period of lease or any conditions that is imposed from time to time by this Hon'ble Court or by the Official Trustee."

5. Taking note of the affidavit of the applicant, especially Paragraph Nos.3 & 4 (extracted supra), this Application is ordered, subject to the following conditions:

i) The period of lease renewal 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;

ii) As and when lease period is extended, 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.

13.04.2023

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To:

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

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