



A.Nos.5963 to 5966 of 2022

A.Nos.5963 to 5966 of 2022
in O.P.No.278 of 1948

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.5963/2022	For a direction to the respondent to quit and deliver the vacant possession of property at No.21, Harrington Road, Chetpet, Chennai-31.
2.	A.No.5964/2022	For a direction to the respondent to pay the arrears of rent at the rate of Rs.1,40,000/- from November, 2021 to till the date of filing of the application a sum of Rs.17,21,000/- and continue to pay the rent till handing over of vacant possession.
3.	A.No.5965/2022	For a direction to the respondent to pay damages for use and occupation of the premises at the rate of Rs.18,65,531/- per month from 01.02.2021 to till handing over possession.
4.	A.No.5966/2022	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 Administrator General and Official Trustee (AG & OT) has submitted that based on the Court order dated 01.02.2022 in A.No.219 of 2002 in O.P.No.278 of 1948, AG&OT had conducted public auction in respect of the Trust property belonging to C.Kandasamy Naidu. It is further submitted that though the rent has been revised after getting a report from the Engineer, the respondent has not come forward to pay the enhanced amount and to execute the rental agreement with



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3. Learned counsel for the respondent has submitted that the rent has been enhanced from Rs.52,000/- to Rs.1,40,000/-, which is exorbitant and thrice the amount already fixed. 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.1,15,000/- 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.1,15,000/- 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;

ii) The periodical rent revision shall be at the rate of 10% annually on the rent paid the previous year;



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iii) 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 within a period of one month from the date of receipt of a copy of this order.

13.10.2023

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To:

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

S.VAIDYANATHAN,J.

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