



WEB COPY

A NO. 677



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

A NO. 677 of 2020

AND

A NO. 678 OF 2020, A NO. 679 OF 2020

IN C.S.NO.204 of 1940

A NO. 677 of 2020

The Official Trustee of Tamil Nadu
High Court Campus Chennai 104.

Applicant(s)

Vs

M.Shanthi and 102 others
W/o.Murugan 42 Sundara Gramani Thottam. and 102 Others

Respondent(s)

A NO. 678 of 2020

The Official Trustee of Tamil Nadu
High Court Campus Chennai 104.

Applicant(s)

Vs

M.Shanthi and 102 others
High Court Campus Chennai 104. and 102 Others

Respondent(s)

A NO. 679 of 2020

The Official Trustee of Tamil Nadu
High Court Campus Chennai 104.

Applicant(s)

Vs



M.Shanthi and 102 others
High Court Campus Chennai 104. and 102 Others



Respondent(s)

Prayer in A.No.677 of 2020: Application filed under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustee's Act 11 of 1913 to direct the respondents to quit and deliver their respective vacant possession to the applicant by fixing time limit.

Prayer in A.No.678 of 2020: Application filed under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustee's Act 11 of 1913 to permit the Official Trustee to take vacant possession through Police aid if the respondents fail to vacate.

Prayer in A.No.679 of 2020: Application filed under Order XIV Rule 8 of the Original Side Rules and under Section 25 of the Official Trustee's Act 11 of 1913 to direct the respondents to pay damages for use and occupation of the land and building with effect from 01.01.2020 and the damages may be fixed by this Court.

A NO. 677 of 2020

For Applicant(s): Mr.N.Ramanathan
Administrator General and Official Trustee of Tamil Nadu

For Respondent(s):
No appearance

ORDER



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A.No.677 of 2020 is filed by the learned Administrator General and Official Trustee of

சுதர்த்ரம் தாது (“AG & OT” for brevity) to direct the respondents to quit and deliver their

respective vacant possession to the applicant.

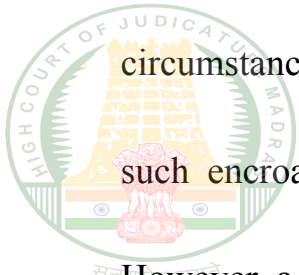
2.A.No.678 of 2020 is filed by the learned AG & OT to permit them to take vacant possession through Police aid, if the respondents fail to vacate.

3.A.No.679 of 2020 is filed to direct the respondents to pay damages for use and occupation of the land and building with effect from 01.01.2020.

4.Learned AG & OT has submitted a detailed report about the respondents and how they came into possession of the property. It is reported that, while some of the persons who are in possession have attorned tenancy with the learned AG & OT, those respondents have not been regularised.

5.Unless the respondents agree to pay rent acknowledging the title of the Trust, this Court is unable to show any indulgence to the respondents. The learned AG & OT has come forward with a definite case that, originally the property was leased out to an individual and subsequently, the person in whose favour possession was handed over

had let in so many persons to encroach upon the property of Trust. In such



circumstances, the respondents have no independent right. It is admitted that

such encroachers have acknowledged the title of the Trust and started paying rent.

However, a few individuals have refused to pay the rent for no justifiable cause.

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6.Considering the same, the respondents are directed to quit and hand over vacant possession to the learned AG & OT within a period of 12 weeks from the date of receipt of a copy of this order. In case any of the respondents refuse to deliver possession, it is open to the learned AG & OT to take vacant possession through Police aid. The respondents are liable to pay damages for use and occupation of the land and building.

7.Accordingly, these applications are allowed.

24-01-2025

MKN