



A. Nos.4399 and 4400 of 2025

in

C.S. No.83 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. Nos.4399 and 4400 of 2025

in

C.S. No.83 of 2018

Kamal Sundaramurthy

S/o K.Sundaramurthy.

.... Applicant / 10th Defendant

[common in both applications]

Vs

[common in both applications]

1. Mrs.Mallika

w/o late Dr.Tamilmani

... 1st Respondent / Plaintiff

2. D. Indhira W/o. R. Dhandapani

... 2nd Respondent / 1st Defendant

3. Malathi W/o. T.K. Mathikumar

... 3rd Respondent / 2nd Defendant

4. V. Rajarajan S/o. Late Vaithiyalingam

... 4th Respondent / 3rd Defendant

5. R. Dhandapani S/o. Late Rajaraman

... 5th Respondent / 4th Defendant

6. Tamil Nadu Housing Board,

represented by its Managing Director,

Office at 493, Anna Salai,

Nandanam, Chennai-600 035.

... 6th Respondent / 5th Defendant

7. Chennai Metropolitan Development

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Authority (CMDA),
represented by its Member Secretary,
No.1, Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

... 7th Respondent / 6th Defendant.

8. Corporation of Chennai,
represented by its Commissioner,
Ribbon Buildings, EVR Periyar Road,
Chennai-600 003.

.... 8th Respondent / 7th Defendant.

9. Sub Registrar Anna Nagar SRO,
No.60, TNSCB Building, JJ Complex,
2nd Floor, Jawaharlal Nehru Road,
Thirumangalam, Chennai-600 040.

... 9th Respondent / 8th Defendant

10. The Inspector General of Registration,
100, Santhome High Road,
R.A. Puram, Chennai-28.

.. 10th Respondent / 9th Defendant.

11. R. Ramanathan
S/o. M. Varadaraja Perumal

... 11th Respondent / 11th Defendant.

12. S. Sambandam S/o. J. Shanmugam.... 12th Respondent / 12th Defendant.

PRAYER in A. No.4399 of 2025: This application has been filed under Order

XIV Rule VIII of Original Side Rules read with Section 151 of Civil



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Procedure Code praying to permit the applicant / 10th defendant to carry out

repair and renovate the sewage outlet junction and the sewage drainage pipe

leading to the Metro line in the Suit schedule property Item No.1 as

mentioned in the Schedule at the cost of the respondents 1 to 4.

PRAYER in A. No.4400 of 2025: This application has been filed under Order

XIV Rule VIII of Original Side Rules read with Section 151 of Civil

Procedure Code praying to issue appropriate directions to the respondents 1 to

4 herein for clearance of the Corporation of Chennai Property Tax arrears and

the Water Tax arrears totaling to Rs.8,82,506/- for the Plaint Suit Item No.1

property as mentioned in this application and also the future taxes payable for

the same pending disposal of the above Civil Suit.

In both applications:

For Applicant : Mr. R. Srinivas, Senior Counsel
for M/s. Mythili Srinivas

For Respondents:

R1 : Mr. T.M. Naidu.

R2 : Mr. U.M. Ravichandran



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R3 & R4 : Not ready.
R6 : Mr. C. Kalaichelvan
Standing Counsel

R7, R11 & R12: Notice served - No appearance.
R8 : Ms. K. Aswini Devi,
Standing Counsel.
R9 & R10 : Mr. R. Vigneswaran,
Government Advocate.

COMMON ORDER

The application in *A. No.4399 of 2025* has been filed by the applicant / 10th defendant to permit him to carry out repair and renovate the sewage outlet junction and the sewage drainage pipe leading to the Metro line in the Suit schedule property Item No.1 as mentioned in the Schedule at the cost of the respondents 1 to 4. The application in *A. No.4400 of 2025* has been filed to issue appropriate directions to the respondents 1 to 4 herein for clearance of the Corporation of Chennai Property Tax arrears and the Water Tax arrears totaling to Rs.8,82,506/- for the Plaint Suit Item No.1 property as mentioned in this application and also the future taxes payable for the same pending



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disposal of the above Civil Suit.

2. According to the applicant, he is the 10th defendant in the main Suit and he is a tenant in the Suit property Item No.1. After the demise of the Plaintiff's mother, he was paying the rent for the said property every month to the Plaintiff. After filing of the Suit, this Court directed the applicant to deposit the monthly rent for the Suit property every month to the credit of the above Suit by an order dated 10.07.2023 in A. No.3400 of 2022. The applicant is regularly depositing the rent before this Court as directed by this Court. While so, the Corporation of Chennai and the TNWSSB have been issuing notices for collection of Property Tax arrears at Rs.7,50,825/- and Water Tax charges at Rs.1,31,681/- and total arrears amount is at Rs.8,82,506/-. Thereafter, they issued a Distraint Notice to take coercive action and to cut water sewage connection. On 21.04.2025, the applicant sent a Notice to the Plaintiff and the defendants 1 and 2 calling upon them to clear

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the arrears of tax or allow the applicant to remit the same and to adjust from the rent. The 1st defendant alone has issued a reply notice with false allegations and other parties have not replied so far. The tenancy rights and business operations in the Item No.1 of the Suit property will be affected, if the tax arrears are not cleared by the Plaintiff and the defendants 1 to 4. The applicant is also ready to clear the tax arrears and adjust the same from the rent, if the Court permits him.

2.1. Further, during the pendency of the above Suit in June 2024, the 2nd respondent had damaged the sewage outlet junction which connect Suit Item Nos.I and II before leading to the metro line. Both the above houses have only one common sewage outlet. The 2nd respondent has illegally annexed sewage junction area with its Item No.II property and is preventing access to carry out basic inspection or repairs. The respondents 1, 3 and 4 made a representation to the Area Engineer Metro Water and Sewage

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Department, Anna Nagar on 27.09.2024. However, the 2nd respondent has

threatened the department not to carry out any repairs in view of pending litigation. The situation is worsening now and sewage water is getting stagnated. When the applicant approached the Metro Water and Sewage Board and complained, they stated that they cannot do anything in view of pending arrears of tax and objections raised by the 2nd respondent. Therefore, he has filed these applications.

3. The 2nd respondent filed a counter stating that the applications filed by the applicant are totally devoid of merits, unsustainable and not maintainable in law and deserves to be dismissed. This Court, by an order dated 09.04.2018 in A. No.119 of 2018 directed the parties to maintain status quo, till the disposal of the Suit. After the demise of Mrs. Pushpa Vaithiyalingam, who died intestate on 13.12.2015, the applicant / 10th defendant started to pay the monthly rents to the Plaintiff alone, later to her

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son as admitted by him and did not pay any amount towards the monthly rent

either to this respondent / 1st Plaintiff or to the legal heirs of the deceased.

Only after persistent demands, the applicant paid portion of rent from May 2016 to August, 2016 and thereafter, till now he did not pay any amount towards the rent, but he used to pay the rents to the Plaintiff's son till now. In order to swindle and grab the entire rental income of the demised premises, the Plaintiff and the applicant / 10th defendant have colluded together and only paid the entire monthly rent to the Plaintiff's son. As per the order of this Court, the applicant was directed to deposit the monthly rent from the month of July 2023 to the credit of the Suit.

3.1. Due to the applicant's disobedience of the order passed by this Court, this Court directed the applicant to pay a sum of Rs.5,000/- towards Chief Justice Relief Fund and even after that order, the applicant has not paid the rent. If anything to be required bonafidely to carry out repair works and

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renovate the sewage outlet junction as stated by the applicant / 10th

defendant, the same should be borne by the 1st respondent / Plaintiff alone at

her own cost with the consent of all the legal heirs of the deceased including

this respondent / 1st defendant and after submitting true and proper estimate

for the expenses to be incurred for the repair works, since she has withheld

the huge amount received from the applicant / 10th defendant towards the

monthly rent. If anything to be cleared towards various tax arrears bonafidely

as required by the concerned authorities, the same should be borne by the 1st

respondent / Plaintiff alone at her own cost with the consent of all the legal

heirs of the deceased including the respondent / 1st defendant. Though it is to

be dealt with by all the legal heirs of the deceased with respect of the so-

called various tax arrears payable to the concerned authorities in respect of

Item No.I of Suit Schedule property, the 1st respondent / Plaintiff alone has to

clear various tax arrears since she has withheld the huge amount received

from the applicant / 10th defendant towards the monthly rent and not even



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deposited the same into the Court till now. Therefore, these applications are

liable to be dismissed.

4. Heard both sides and perused the entire materials available on record.

5. It is an admitted fact that the applicant is the tenant of the Item-I property and already there is a dispute between the Plaintiff and the defendants 1 to 4 in respect of the properties. It is also an admitted fact that the already this Court passed an order in A. No.119 of 2018 and the parties were directed to maintain status quo till the disposal of the Suit. Already this Court passed orders in A. Nos.3400, 3402 and 3403 of 2022 filed by the respondent / 1st defendant that *Kamal Sundaramurthy, the 10th defendant / respondent in A. No.3403 of 2022, be and is hereby directed to deposit the monthly rent from the month of July 2023 to the credit of the Suit.* According

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to the 1st respondent, who is the contesting respondent in this application, the applicant is paying rent only to the Plaintiff's son and they are only enjoying the rent. They have not shared the rent to the 1st respondent. Therefore, they strongly objected and according to the 1st respondent, the applicant has not even deposited the rent as per the order of this Court. But the applicant stated that he is regularly paying the rent before the Court as per the order of this Court. Already this Court also directed the applicant to deposit the rent before this court and already the 1st respondent also filed the contempt petition. In that contempt petition, this Court also passed an order to deposit a sum of Rs.5,000/- towards the Chief Justice Relief Fund and the applicant also paid a sum of Rs.50,000/- as 50% of the rental amount and now the applicant has been paying the rent before this Court.

6. According to the applicant, due to the pendency of the Suit, there are



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arrears of taxes to the Government and now the authorities requested to pay

the arrears of taxes, otherwise, they will fully disconnect the water connection and sewage connection. The Corporation of Chennai and the TNWSSB have been issuing notices for collection of Property Tax arrears at Rs.7,50,825/- and Water Tax charges at Rs.1,31,681/- and total arrears amount is at Rs.8,82,506/-. According to the applicant, he himself ready to spend the said amount and the said amount has to be adjusted from the rent. Apart from that, according to the applicant, the 2nd respondent had damaged the sewage outlet junction, thereby, he is facing sewage problem and sewage water is getting stagnated and therefore, the said problem has to be attended by the Sewage Board Staff. When the representation was made to the Metro Water and Sewage Board, the 2nd respondent threatened the department not to permit any repairs in view of pending litigation and also the authorities told that they cannot do anything in view of pending arrears of taxes and the objections raised by the 2nd respondent. The other respondents have no

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objection except the 2nd respondent.

7. The 1st respondent / Plaintiff is ready to share the amount along with the other respondents, but the 2nd respondent denied to share the amount alleging that the applicant is paying the rent only to the 1st respondent / Plaintiff and no any rent amount had been shared with him. Since the Suit is for partition and the main issues are between the Plaintiff and the defendants, this applicant being the tenant for one portion of the property, he cannot be deprived of his right to enjoy the property. The damage of sewage outlet and payment of arrears of taxes have not been denied by the respondents and the applicant is now ready to pay the arrears of taxes and to carry out repair and renovate the sewage outlet junction. Under the said circumstances, it is appropriate to allow the application by permitting the applicant to pay the tax arrears and to do the repair works. Since the 2nd respondent is not ready to come forward to pay the arrears of taxes and the repair works, as rightly



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contended by the learned counsel appearing for the 2nd respondent, without

paying the tax arrears, the Sewage Board cannot attend the repair works.

Therefore, the applicant is permitted to pay the arrears of taxes and the receipt

for payment of arrears of taxes has to be produced before this Court.

8. As far as the prayer to carry out repair and renovate the sewage outlet junction and the sewage drainage pipe leading to the Metro line in the Suit schedule property Item No.1 as mentioned in the Schedule at the cost of the respondents 1 to 4 is concerned, after payment of taxes, the applicant can approach the Sewage Board for the repair works and if any expense incurred by the applicant, he has to produce the receipts for the expenditure incurred by him and those expenditures have to be tested before the Court. The applicant after payment of taxes and after furnishing the receipts for the same, can file appropriate application seeking permission of the Court to adjust the same in the rent amount for the expenditure incurred by him.



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9. As far as the contention of the applicant that the 2nd respondent / 1st defendant is making objections for the repair of Sewage drainage damages is concerned , it is for the applicant to approach the authorities concerned, after payment of taxes, for repairing the sewage damages. If any objection made by any party, the applicant is at liberty to seek police assistance for appropriate remedy in accordance with law.

10. Accordingly, both the applications are *disposed of*. There shall be no order as to costs.

28.10.2025

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To

1. The Tamil Nadu Housing Board
rep.by its Managing Director, Office at 493, Anna Salai,
Nandanam, Chennai 600 035.

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2. CHENNAI METROPOLITAN Development Authority (CMDA)

rep.by its Member Secretary,
NO.1, Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

3. Corporation of Chennai

Rep.by its Commissioner,
Rippon Buildings, EVR Periyar Road,
Chennai 3.

4. The Sub Registrar Anna Nagar SRO

SRO, No.60, TNSCB Building,
JJ Complex, 2nd Floor,
Jawharlal Nehru Road,
Tirumangalam,
Chennai 40.

5. The Inspector General of Registration,

100, Santhome High Road, RA Puram,
Chennai 28.

P.DHANABAL.,J

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