

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

O.A.No.1 of 2020 in O.S.No.76 of 1981
and A.Nos.865, 867 and 868 of 2022

G.K.Srinivasan

... Applicant

-VS-

The Administrator General and
Official Trustee of Tamil Nadu,
High court Campus, Chennai 600 104.

... Respondents

A.No.868 of 2022

The Administrator General and
Official Trustee of Tamil Nadu,
High court Campus, Chennai 600 104.

... Applicant

-VS-

1. G.K.Srinivasan
2. D.Bhalaram Dargji
3. Ganpat Lal Purohit

..Respondents

A.No.867 of 2022

The Administrator General and
Official Trustee of Tamil Nadu,
High court Campus, Chennai 600 104.

... Applicant

-VS-

1. G.K.Srinivasan
2. D.Bhalaram Dargji
3. Ganpat Lal Purohit

..Respondent(s)



A.No.865 of 2022

The Administrator General and
Official Trustee of Tamil Nadu,
High court Campus, Chennai 600 104.

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..Applicant(s)

Vs

1. G.K.Srinivasan
2. D.Bhalaram Dargji
3. Ganpat Lal Purohit

..Respondent(s)

O.A.No.1 of 2020

Prayer: To grant an order of interim injunction restraining the respondent and its office bearers, successors in office members or any other persons claiming through them from evicting or dispossessing the occupants from the schedule mentioned property.

A.No.868 of 2022

Prayer: The Respondents may be directed to pay damages for use and occupation of the premises at the rate of Rs.50,000/- each per month till the date of handing over of possession from the date of order of eviction.

A.No.867 of 2022

Prayer: The Respondents fails to handover the vacant possession within the time framed by this Honble court, the applicant may be permitted to take over the vacant possession through police force.

A.No.865 of 2022

Prayer: Pass direction directing the respondents to quit and deliver the vacant possession of D.No.67 and 69, Yahoops Street, Gobichettipalayam, Erode District.

O.A.No.1 of 2020

For Applicants: Mr.M.Vijay Anand

For Respondent: Ms.S.Sumathi, AG&OT

**COMMON ORDER**

The present Original Application has been instituted to grant an order of interim injunction, restraining the respondent and its office bearers, successors in office members or any other persons claiming through them from evicting or dispossessing the occupants from the schedule mentioned property.

2. Learned counsel for the Applicant / Third Party would mainly contend that he is in occupation of suit scheduled property as Tenant and was paying monthly rent as fixed by Officer Receiver. Lease expired in October, 2025. Consequently, notice was issued to Applicant to vacate and hand over possession of the suit schedule property. Since Applicant did not vacate the premises, an application was filed seeking eviction. Learned counsel for the Applicant would submit that Applicant is willing to continue in the subject premises on payment of rent by renewing Lease Deed. Allegation regarding encroachment of additional land is incorrect. Undertaking given by Applicant before this Court that he is willing to vacate premises and hand over possession by end of June, 2025 is also not accepted.

3.The Administrator General and Official Trustee (AG & OT) / Respondent would oppose, by stating that lease expired in October,



2025 and due notice was issued to Tenant. Since Applicant failed to vacate, application came to be filed for eviction. Junior Engineer, Office of AG & OT, High Court Campus, Chennai conducted inspection on the subject premises and found that Applicant / G.K.Srinivasan is in occupation of additional portion of land, totally measuring to an extent of 6745 sq.ft. (15.49 cents). However, land leased out in favour of Applicant was measuring an extent of 3840 sq.ft. alone. He not only encroached upon additional land without any permission or lease from AG & OT, but also put up unauthorized construction. Lease was not extended. Thus, Applicant is liable to be evicted from the premise.

4. The fact remains that Applicant's family was inducted as Tenant at No.67/69, Yahoop Street, Gobichettipalayam, Erode, measuring an extent of 3840 sq.ft.. Applicant had initially put up a construction over an extent of 4958 sq.ft., which exceeds the leased extent by 1118 sq.ft.. Thereafter, he proceeded to raise construction over the entire extent of 6745 sq.ft. and the said construction includes a portion of Trust's land that were lying vacant and situated within the same survey number, thereby constituting an encroachment upon Trust's property. He continues to occupy and utilize the same and encroached upon the land without paying any rent or other charges in respect thereof. Applicant had sublet the property contrary to the terms



of the lease agreement and therefore, termination notice dated 20.12.2019 was issued. He filed application before this Court.

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5. This Court had passed an interim order dated 13.02.2025, directing AG & OT to ascertain the market value for the properties and fix fair rent. When the matter was taken up for hearing on 25.02.2025, this Court further directed Applicant to file an affidavit and to pay rent at the rate of Rs.50,000/- per month until the actual date of handing over possession, or in the alternative, to attorn the tenancy on the terms to be fixed by AG & OT. However, till date, Applicant has neither handed over vacant possession of the premises nor expressed his willingness to enter into a lease agreement on the terms and at the rate of rent fixed by AG & OT. That apart, Applicant failed to comply with the direction of this Court.

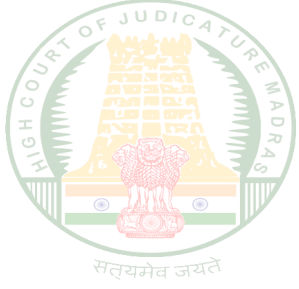
6. This Court, by order dated 27.02.2025 recorded the fact that learned counsel for Applicant in O.A.No.1 of 2020 has reported that his client is willing to vacate the premises and hand over possession by end of June, 2025. Applicant had not complied with the order of this Court dated 27.02.2025, which was passed based on the submissions made on behalf of Applicant by learned counsel.



7. The conduct of Applicant clearly demonstrates an attempt to continue enjoying and usurping the Trust properties to his undue advantage, thereby resulting in unjust enrichment at the expense of the Trust. Contrary to his stand, Applicant subsequently executed a Partnership Deed on 02.11.2020. Several irregularities have been committed by Applicant in his capacity as Tenant, including encroachment of excess Trust's land and continue to use the same for unjust gains. As per Engineer report dated 11.04.2022, Applicant is in occupation of Trust's land to an extent of 6745 and build up area is 4958 sq.ft.. Details provided in the Engineer's report are extracted hereunder:

S.No.	Extent	Name of the person in possession
1.	632 sq.ft.	Rajeshwari General Store
2.	1666 sq.ft.	Ambika Electricals
3.	2660 sq.ft.	G.K.Srinivasan

8. Despite the fact that several opportunities had been granted to Applicant, he has not approached AG & OT with clean hands. That apart, he has committed an act of encroachment on Trust's property and put up unauthorized construction. He had not followed the terms and conditions of lease. Pertinently, lease expired in October, 2025. Thus, Applicant lost his credibility and there is no point in considering the case once again in respect of entering fresh lease with Applicant.



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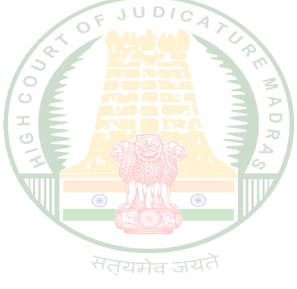
9. At this juncture, learned counsel for Applicant, on instructions from his client, would submit that Applicant will hand over vacant possession of the land within two months and he has also made an endorsement to that effect in the Court bundle.

10. In view of the above submission and endorsement made, Applicant is directed to vacate the subject premises and hand over vacant possession to AG & OT on or before **01.09.2026**, failing which, AG & OT shall evict Applicant / Tenant from the subject property and take over Trust's property as a whole, if necessary by securing assistance of Police. Learned AG & OT is at liberty to initiate all appropriate actions to collect arrears of rent and claim damages, if any from Applicant.

11. Consequently, ***O.A.No.1 of 2020 filed by Applicant is dismissed. A.Nos.865, 867 and 868 of 2022 filed by learned AG & OT are allowed as prayed for.***

29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

The Administrator General and
Official Trustee of Tamil Nadu,
High Court Campus,
Chennai - 600 104.

O.A.No.1 of 2020
A.Nos.865, 867 and 868 of 2



S.M.SUBRAMANIAM,J.
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O.A.No.1 of 2020 in O.S.No.76 of 1981
and A.Nos.865, 867 and 868 of 2022

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