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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP. Nos.823 and 2761 of 2026

and

CMP. Nos.4387 & 11424 of 2026

R.K.Jain & Company,
Rep. by its Partner Lalit Kumar Jain,

..Petitioner in CRP. No.823 of 2026

M/s.AMA Store,
Represented by its Proprietor
Mrs.Fathima,

..Petitioner in CRP. No.2761 of 2026

Vs

K.M.Mohammed Noordeen (Deceased)
(1) Mr.Ahamed Jameel Hussain

..Respondent in both CRPs

PRAYER in CRP. No.823 of 2026: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order dated 04.02.2026, passed in RLTA. No.26 of 2025 on the file of XVII Additional Judge, City Civil Court, Chennai.

PRAYER in CRP. No.2761 of 2026: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order dated 24.04.2026 passed in RLTA. No.21 of 2025 on the file of IV Additional Judge, City Civil Court, Chennai confirming the order in RLTOP. No.3 of 2023 dated 20.11.2024 on the file of the XI Small Causes Court, Chennai.



For Petitioner(s): Mr.S.Thanka Sivan

For Respondent(s): Mr.A.M.Sheik Mohammed Rafiq

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COMMON ORDER

The unsuccessful tenants are the Revision Petitioners.

2. I have heard Mr.S.Thanka Sivan, learned counsel for Revision Petitioners and Mr.A.M.Sheik Mohammed Rafiq, learned counsel for Respondents/landlords in both the revision petitions.

3. Eviction petitions were filed invoking the provisions of Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act of 2017 (in short 'TNRRLT Act of 2017') alleging failure to enter into a tenancy agreement under Section 21(2)(a) of the said enactment. The petitioners/respondents objected to the very maintainability of the eviction petitions stating that the deceased respondent, K.M.Mohammed Noorden, was only one of many co-owners of the subject property and he has no independent right to seek eviction of the petitioners. The Rent Court ordered eviction and aggrieved by the same, the petitioners moved the Rent Tribunal, where also they were unsuccessful. The concurrent findings of the Rent Court and the Rent Tribunal are under challenge in the present Revision Petitions.

4. Mr.S.Thanka Sivan, learned counsel for Revision Petitioners would invite my attention to proceedings initiated against the revision petitioners, by all the owners including the deceased respondent, K.M.Mohammed Noorden



before the Rent Controller under the then prevailing Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 and the fact that said eviction petitions however were dismissed as not pressed by the landlords. Thereafter, a legal notice came to be issued by the deceased landlord, K.M.Mohammed Noorden alone, alleging that there has been a failure to enter into a tenancy agreement with him and though a reply was sent by the petitioners refuting the claims and allegations made in the said lawyer's notice, the said late K.M.Mohammed Noorden, proceeded to file RLTOPs against both the petitioners under Section 21(2)(a) of TNRRRLT Act of 2017. The petitioners took a stand that the RLTOPs are not maintainable since they have been filed by only one co-owner, with other co-owners not even being arrayed as respondents and admittedly, without any consent of the co-owners.

5.Mr.S.Thanka Sivan, learned counsel for Petitioners would also invite my attention to applications filed in both the RLTOPs in M.P No 1 of 2023 and the dismissal of the said applications by way of docket orders being affirmed by this Court in CRP Nos. 3050, 3063 and 3292 of 2026. Inviting my attention to the said order Mr.S.Thanka Sivan, learned counsel for Petitioners would contend that the petitioners were given liberty to agitate the issue of maintainability during trial and despite such specific liberty being granted, the Rent Court as well as the Rent Tribunal have erroneously skipped addressing the crucial issue of maintainability. Therefore, he contends that in the absence of other co-owners, late K.M.Mohammed Noorden, alone could not have sought



for eviction, invoking Section 21(2)(a) of TNRRRLT Act of 2017.

6. Per contra, Mr.A.M Sheik Mohammed Rafiq, learned counsel for Respondent/landlord in both the revision petitions would also invite my attention to the order passed by this Court in a batch of revision petitions, on 19.6.2024 in CRP Nos. 3050, 3063 and 3292 of 2026, where this Court had observed that Revision Petitioners are tenants admittedly and any of the owners can approach the Court for eviction and even if they are joint owners, it is up to landlords to work out their remedy and same cannot be objected to by tenants. The learned counsel therefore states that this Court has conclusively held already that a co-owner was entitled to maintain the eviction petition and therefore, the objection was no longer available to be raised by the petitioners and rightly, the Courts below have rejected the plea of maintainability and ordered eviction. He would therefore pray for dismissal of revision petitions.

7. I have carefully considered the submissions advanced on either side.

8. The argument that a co-owner is entitled to maintain an eviction petition is in fact a well settled principle in Rent Control matters. However, whether this principle can be extended to the provisions of the new legislation namely, TNRRRLT Act of 2017, certainly begs an answer. It is not a case where the co-owner, as landlord, is seeking recovery of possession on the grounds that the tenant has committed default in paying of rents or that he has committed some act of mischief, which entitles even a co-owner to seek for



recovery of possession. The principle of co-owner being entitled to seek eviction is on the ground that the co-owner only represents the interest of all the co-owners. Therefore, it is not for the tenant to contend that the other co-owners have not joined in seeking eviction.

9. In fact, this issue came up for consideration even under the then Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. Though the Hon'ble Supreme Court has consistently held that a co-owner is entitled to maintain an eviction petition on behalf of the other co-owners as well, in a case where an eviction was sought on the ground of demolition and reconstruction, this Court in ***Manharlal J. Parekh v. V.L. Narayanan* reported in (2008) 3 CTC 516**, held that when one of the co-owners alone seeks for eviction on the ground of demolition and reconstruction, which is likely to adversely affect the rights of other co-owners, then such request for eviction cannot be maintained without the consent of all co-owners. In fact, that was a case where the father had retained a life interest and settled the property on his children and the father alone filed an eviction petition under Section 14(1)(b) of Act 18 of 1960, on the ground that the building was required for the purposes of demolition and reconstruction. The mandatory undertaking that is required under Section 14 of Act 18 of 1960, was not given by the actual owners but only by the life interest holder, their father. This Court finally while affirming the concurrent order of eviction passed by the Rent Controller and the Appellate Authority, directed the children to consent to the acts of the father in seeking the demolition of the



building which is owned by them.

10. In my considered opinion, the question of whether a co-owner is entitled to file an eviction petition, without reference to the other co-owners has to be tested in the light of the facts of each case. Here is a case where eviction is sought for on the ground that there is failure to enter into a tenancy agreement. The respondent late. K.M.Mohammed Noorden, claimed himself to be the absolute owner of the petition premises and issued a notice, as if the petitioners were inducted as tenants under him, prior to the commencement of the TNRRRLT Act of 2017 and that despite the mandate of Section 4(2) of the TNRRRLT Act of 2017, the petitioners have not come forward to enter into a tenancy agreement and thereby, he sought for eviction under Section 21(2)(a) of the said enactment.

11. It is in this background that the earlier proceedings under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 assume significance. Eviction was sought for by all the co-owner and not just late.K.M. Mohammed Noorden. The said proceedings were abandoned and thereafter the petitioners continued to occupy their respective portions as tenants under all the co-owners. Suppressing the earlier proceedings and the factum of late K.M.Mohammed Noorden, being only one amongst several co-owners, the present RLTOPs came to be filed. Strangely, the said late.K.M.Mohammed Noorden, claims to be the absolute owner of the tenanted premises. Firstly, there is no whisper about the



earlier proceedings under the repealed Act. Secondly, late. K.M.Mohammed Noorden, does not rely upon any consent or release of interest by the other co-owners in his favour, to claim to be the absolute owner of the tenanted premises.

12. In such circumstances, I am unable to see how said late.K.M. Mohammed Noorden, claiming to be the absolute owner can allege failure to enter into a tenancy agreement and invoke Section 21(2)(a) of the TNRRRLT Act of 2017. I could have at least understood, if the request was made in the presence of other co-owners, arraying them as respondents in the RLTOPs. This has also not been done. In such circumstances, the Court below clearly fell in error in accepting the case of late.K.M. Mohammed Noorden, that he is the landlord and there has been a failure to enter into a tenancy agreement, thereby entitling him to seek for recovery of possession invoking Section 21(2)(a) of the TNRRRLT Act of 2017.

13. Coming to the reliance placed on the order of this Court in CRP Nos. 3050, 3063 and 3292 of 2026 dated 19.6.2024, a preliminary objection had been taken by the petitioners/tenants regarding the maintainability of the RLTOP's. It is in such context that this Court held that such issues can be gone into during trial. Merely because there has been a passing reference to the principle that a co-owner can maintain an eviction petition independently, I do not see the said observation was made in the context of the challenge to the dismissal of M.P No 1 of 2023, amounting to *res judicata* and operating against the revision



petitioners. In fact, in the very same order this Court, at paragraph 2, observed that the petitioners can always agitate the objections during trial and cannot seek for a preliminary enquiry. Therefore, I do not see the order passed by this Court coming in the way of the petitioners in challenging the orders of the eviction passed against them.

14. The Rent Court as well as the Rent Tribunal have committed a serious error in entertaining the application under Section 21(2)(a) of the TNRRRLT Act of 2017, despite being informed about the earlier eviction proceedings under the repealed enactment by all the co-owners and the factum of one of the co-owners alone claiming to be the absolute owner, alleging failure to enter into a tenancy agreement as required under Section 4(2) of the TNRRRLT Act of 2017. The Courts below have committed a serious error and rendered perverse findings which can be certainly corrected by exercise of extraordinary jurisdiction under Article 227 of the Constitution of India.

15. In fine, these Civil Revision Petitions are allowed and the concurrent orders directing recovery of possession from the Revision Petitioners passed in RLTOP No 21 of 2023, on the file of the IV Additional Judge, City Civil Court, Chennai, confirming the order in RLTOP. No.3 of 2023 dated 20.11.2024 on the file of the XI Small Causes Court, Chennai and RLTA. No.26 of 2025, on



the file of XVII Additional Judge, City Civil Court, Chennai, are set aside.

However, it is made clear that Revision Petitions being allowed will not come in the way of Respondents moving fresh eviction applications by including other co-owners and approaching the Rent Court afresh. Consequently, connected Miscellaneous Petitions are also closed. No costs.

13-08-2026

Index: Yes

Speaking order

Neutral Citation: Yes

RKP

To

1. The XVII Additional Judge, City Civil Court, Chennai.
2. The Judge, XI Small Causes Court, Chennai.
3. The IV Additional Judge, City Civil Court, Chennai



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CRP Nos.823 & 2761 of 2



P.B.BALAJI, J.

RKP

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