

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) No.150 of 2015

and

M.P.No.1 of 2015

M.A.Manoharan

...

Petitioner

Vs.

1.S.P.Muthiah

2.Thangaraj

...

Respondents

PRAYER: Civil Revision Petition filed under Article 25 of the Tamil Nadu Buildings Lease and Rent Control Act, against the order dated 11.10.2014 of the Learned VII Rent Controller/Small Causes Court Chennai (Appellate Authority) in RCA 47 of 2006 confirming the order of eviction passed by the Learned X Rent Controller/Small Causes Court Chennai in RCOP No.1884 of 2004 dated 14.11.2005.

For Petitioner : Mr.R.Srinivas

ORDER

This civil revision petition arises out of the order dated 11.10.2014 passed by Learned VII Rent Controller/Small Causes Court Chennai (Appellate Authority) in RCA.No.47 of 2006 confirming the order dated 14.11.2005 passed by the Learned X Rent Controller/Small Causes Court Chennai in RCOP No.1884 of 2004.

2. The first respondent in this civil revision petition is the landlord who initiated eviction proceedings against the petitioner and the second respondent seeking eviction under Section 10 (3) (C) and 10 (2) (ii) (a) of the Tamil Nadu Buildings Lease and Rent Control Act.

3. The landlord has averred that the petitioner was inducted as a tenant on a monthly rent of Rs.600/-. The landlord is running a Hotel in the ground floor of the premises and the present occupation is not sufficient. Hence, the landlord needs the petition premises for additional accommodation for his hotel business. It is further stated that the advantage caused to the landlord by vacating the tenant will outweigh the loss or hardship caused to the tenant. It is further stated that the petitioner without written consent has sublet the petition premises to the second respondent and the second respondent is running a cool bar for a monthly rent of Rs.6000/-.

4. The petition was resisted by the tenant stating that the requirement is false and mala fide. The tenant has further stated that he has developed his business and there are lot of amount outstanding to be collected, so it is difficult for the tenant to establish his business in a new place. The tenant has denied that he sublet the portion of the petition premises to the second respondent.

5. Before the Rent Controller, the landlord examined one Ramanathan as P.W.1 and marked documents Ex.P1 to P3 and the tenant himself examined as R.W.1 and marked documents Ex.R1 to R10.

6. The Rent Controller ordered eviction under Section 10 (3) (c) while rejecting the ground of subletting. The Appellate Authority confirming the findings of the Rent Controller dismissed the appeal.

7. Mr.R.Srinivas, learned counsel for the petitioner submitted that the landlord has not established his bona fide requirement of the petition premises for additional accommodation, that the landlord has not produced any evidence to show that his business has expanded warranting additional accommodation. It is further submitted that there are 23 rooms in the first and second floors of the building which were unused by the landlord. The authorities, without appreciating the material evidence, ordered eviction. The learned counsel further submitted that the findings of the authorities are perverse and the same is liable to be set aside by this Court.

8. There is no dispute with regard to the jural relationship of the parties and the quantum of rent. P.W.1 has given evidence stating that he is running a Hotel in the ground floor of the premises bearing Door No.212, New No.188,

Royapettah High Road, Chennai-14 and the tenant is occupying the premises on the North Eastern portion of the hotel and the present occupation of the premises is not sufficient for doing his business.

9. R.W.1 tenant has contended that in the ground floor one room is occupied by a Tailor and it will be convenient for expansion of the business of the landlord. The landlord has admitted in his evidence that the building consists of ground plus two floors and 10 rooms have been occupied by the workers of the landlord and the remaining rooms rented out to the 3rd parties.

10. P.W.1 has given evidence stating that if the wall constructed in between the room occupied by the tenant and the landlord is removed, the landlord can expand his business. The Rent Controller has held that the tenant was running a tea shop in the petition premises and if he is evicted, he can establish his business in other premises. It is further observed that if the eviction is not ordered, it will cause hardship to the landlord. The Rent Controller, after considering the evidence, held that the advantage to the landlord will outweigh the hardship to the tenant, if the eviction is ordered.

11. The Rent Controller relying on the judgments reported in **2001 (3) CTC 206, 1972 TNLJ 270 & 1997 (2) MLJ 496**, held that the requirement of

the landlord is bona fide. The Appellate Authority after elaborately considering the evidence of P.W.1 and R.W.1 held that the requirement is bona fide. The authorities have recorded the findings of fact based on the evidence and this Court cannot reappreciate the evidence to come to a different conclusion while entertaining this revision under Section 25 of the Rent Control Act.

12. I do not find any illegality or perversity in the order impugned in this civil revision petition. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The tenant is directed to vacate and hand over the petition premises to the landlord on or before 31.07.2015 and until then, the tenant shall continue to pay the rent regularly.

23.01.2015

Index : Yes/No

Internet: Yes/Nos

sms

To

1. The Learned VII Rent Controller/Small Causes Court,
Chennai (Appellate Authority).

2. The Learned X Rent Controller/Small Causes Court Chennai.

K.KALYANASUNDARAM, J.

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