



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26. 04. 2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Rev.Aplc(md).No.135 of 2015

C.A.Ganapathi

... Petitioner

.Vs.

1.P.K.N.Kannan

2.P.K.N.Ramasubbu

... Respondents

Prayer: Review petition filed under Order XLVII Rule 1 of Civil Procedure Code to review the decreetal and fair order passed in C.R.P.No.674 of 2012 dated 09.03.2015 on the file of this Court.

Prayer in CRP(MD). 674/ 2012 :

Petition filed under section 25 of the Tamil Nadu Buildings lease and rent control Act, to set aside the fair order and the decreetal order passed in R.C.A.No. 83/2006 dated 23.12.2011 by the Principal Sub Judge / Rent Control Appellate authority Madurai and confirming the order passed by the Madurai Town Additional District Munsif / Rent Controller in R.C.O.P.No. 225/2001 dated 21.11.2005 by allowing this Civil Revision Petition and thus render justice.

For Petitioner

: Mr.A.G.Senthil Kumar

ORDER

The review petitioner is a tenant in a rent control proceedings. The revision was filed by the tenant, who has suffered an order of eviction before the learned Rent Controller as well as appellate authority. The eviction was sought on the ground of demolition and reconstruction.

2. The only ground taken by the tenant was that as he refused to pay the enhanced rent, the landlord filed a petition for eviction. He further contended that the building does not require demolition and the same is in a good condition. However, the revision was dismissed following the judgment of the Honourable Supreme Court, in **(2015) 2 Supreme Court Cases 390 (Attili Appala Swamy and Others Vs Commissioner (Appeals), Land Administration, Andhra Pradesh and another)**, wherein, it is stated as follows:

"Even the building is in a good condition, the landlord can always seek demolition and put up a new construction to suit his requirement."



3. The learned Counsel appearing for the review petitioner though stated that there was an error apparent on the face of the record, he could not point out any of the errors. He only pointed out that a landlord cannot ask for eviction on the ground of demolition and reconstruction as a matter of right.

4. As admittedly, there is no error apparent on the face of the record, the review application is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

Vs

1. The Principal Subordinate Judge/
Rent Control Appellate Authority, Madurai.

2. The Additional District Munsif/
Rent Controller, Madurai Town.

RG.AN-MP 18.05.2016 2P.3C

_order made in
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