

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.04.2016****CORAM****THE HONOURABLE MR.JUSTICE C.T.SELVAM****C.R.P. (MD) Nos.906 and 907 of 2016****and C.M.P. (MD) Nos.4533 and 4534 of 2016**

WEB COPY

A.Thirumani : Petitioner/Tenant
in CRP (MD) No.906 of 2016

S.Amarson : Petitioner/Tenant
in CRP (MD) No.907 of 2016
Versus

A.Rathina Vetrivel : Respondent/Landlord
in both petitions

COMMON PRAYER: Civil Revision Petitions filed under Section 25 of The Tamil Nadu Buildings (Lease & Rent Control) Act, 18/1960 as amended by Tamil Nadu Act 23/1973, praying to set aside the fair and decretal order passed in R.C.A.Nos.10 of 2014 and 19 of 2013 on the file of Rent Control Appellate Authority (Sub Court), Tuticorin dated 22.02.2016 confirming the fair and decretal order passed in R.C.O.P.Nos.18 and 19 of 2009 on the file of Rent Controller (Principal District Munsif Court), Tuticorin dated 12.12.2013 and 30.11.2011 respectively.

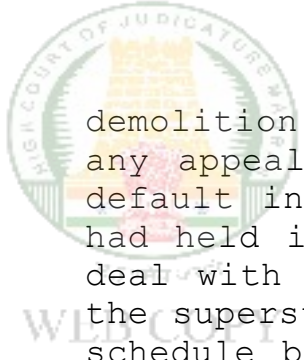
For Revision Petitioners : Mr.M.P.Senthil
For Respondent : Mr.G.R.Swaminathan
in both the petitions

COMMON ORDER

Respondent/landlord moved R.C.O.P.No.18 of 2009 against the petitioner in C.R.P.(MD) No.906 of 2016 and R.C.O.P.No.19 of 2009 against the petitioner in C.R.P.(MD) No.907 of 2016, seeking eviction both on the ground of willful default and also urgent need of demolition and reconstruction of the building. R.C.O.P.No.18 of 2009 was allowed both on the ground of willful default and for demolition and reconstruction, where as R.C.O.P.No.19 of 2009 was allowed only on the second ground. There against, the petitioners/tenants moved R.C.A.Nos.10 of 2014 and 19 of 2013, which came to be dismissed, giving rise to these revisions.

2.Heard Mr.M.P.Senthil, learned counsel for the petitioners and Mr.G.R.Swaminathan, learned counsel for the respondent and perused the materials available on record.

3.Learned counsel for the petitioners raised several contentions. He also informed that though the Rent Controller under order dated 30.11.2011, in R.C.O.P.No.19 of 2009 held in favour of landlord/ respondent only on the ground of need for



demolition and reconstruction and the respondent had not preferred any appeal against the finding refusing relief on the ground of default in payment of rent, the Rent Control Appellate Authority had held in favour of the respondent on such ground. We need not deal with such contention. In finding the need for demolition of the superstructure, learned Rent Controller held that the petition schedule building is a very old one. There was an immediate need for demolition and reconstruction and respondent has proved that he had obtained permission from the Corporation therefor and had sufficient means. The Rent Control Appellate Authority had also confirmed the same. We find no reason to hold otherwise. Admittedly the building is more than 75 years old. Petitioner in C.R.P.(MD) No.906 of 2016 is occupying the building for over 56 years. In the circumstances, we find no merits in these revisions.

4.These Civil Revision Petitions shall stand dismissed. No costs. Consequently, connected Miscellaneous Petitions also stands dismissed.

6.Learned counsel for the petitioners would seek time to vacate the premises upto 30.04.2017. He would also submit that the petitioners will file an affidavit of undertaking to the effect that the petitioners would vacate the petition mentioned schedule properties on or before 30.04.2017 and that there shall not be any default in payment of rent during the remaining period of occupancy.

For filing of affidavit, post on 29.04.2016.

Sd/-

Assistant Registrar(P&A)

/True copy/

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

sj

To

1.The Sub Judge, Rent Control Appellate Authority,Tuticorin.

2.The Principal District Munsif, Rent Controller,Tuticorin.

Copy to:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

(to Post the matter on 29.04.2016)

+1 cc to Mr.M.P.Senthil, Advocate, SR No.24442

+1CC to Mr.V.R.Swaminathan Advocate for Mr.P.PethuRajesh Advocate
Sr.No.23666

RG.SK-SKN/AR-I 27.04.2016 2P.6C