

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).Nos.4091 and 4092 of 2016
and
C.M.P.Nos.20669 and 20670 of 2016

Mohanlal Ranka .. Petitioner in C.R.P.(PD).No.4091 of 2016

1. Lalith Kumar
2. Kamalesh Kumar .. Petitioners in C.R.P.(PD).No.4092 of 2016

Vs.

1. T.S.Sundaresa Davey
2. Mr.S.Vidyashankar Davey
3. Mr.S.Ramnath Davey
.. Respondents in C.R.P.(PD).No.4091 of 2016

T.S.Sundaresa Davey .. Respondent in C.R.P.(PD).No.4092 of 2016

Civil Revision Petition (PD).No.4091 of 2016 filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.10.2016 in M.P.No.473 of 2016 in R.C.O.P.No.1829 of 2015 on the file of the X Small Causes Court, Chennai.

Civil Revision Petition (PD).No.4092 of 2016 filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.10.2016 in M.P.No.483 of 2016 in R.C.O.P.No.1841 of 2015 on the file of the X Small Causes Court, Chennai.

For petitioners in both C.R.Ps : Mr.P.Chandrasekar

For respondents in both C.R.Ps : Mr.T.Paranthaman

COMMON ORDER

The tenants are the revision petitioners herein. They have filed these two revision petitions challenging the dismissal of petitions filed under Section 11(1) of the Tamil Nadu Buildings (Lease and Rent Control) Act to reject the R.C.O.Ps. filed by the landlords.

2. The case of the revision petitioners/tenants is that already, the respondents/landlords have filed R.C.O.P. under Section 14(1)(b) of the said Act, on the ground of demolition and re-construction, in which eviction was ordered and when the said eviction order is in force, the landlords have filed the present R.C.O.Ps. for fixation of fair rent. Therefore, the tenants' contention is that when the buildings themselves are in bad condition and not worth for human occupation, the landlords ought not to have asked for fixation of fair rent and the said R.C.O.Ps. ought to have been dismissed as not maintainable. Admittedly, the tenants are in occupation of the premises in question, despite the bad condition of the buildings. So far as the tenants who are in occupation, they are duty bound to pay the necessary rent. If the rent paid is not reasonable, it is always

open for the landlords to file an application for fixation of fair rent. There is nothing wrong in the landlords filing the R.C.O.Ps. for fixation of fair rent. The objections raised by the tenants are only frivolous and vexatious. The Court below has rightly dismissed the miscellaneous petitions filed by the tenants for rejection of the R.C.O.Ps.

3. Hence, the Civil Revision Petitions are dismissed as devoid of merits. No costs. Consequently, C.M.Ps. are closed.

06.01.2017

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Copy to

The X Judge, Small Causes Court, Chennai.

PUSHPA SATHYANARAYANA, J

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