

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 941 of 2019

and

C.M.P. 6142 of 2019

N.M.Ganeshan

... Petitioner

Versus

F.Faiza Ahmed
rep. by his General Power Agent
Dr.S.Z. Haseeb Khan.

... Respondent

PRAYER : Civil Revision Petition is filed under Sec.25(1) and (2) of the Tamil Nadu Buildings (Lease and Rent Control) Act, praying to set aside the order and judgment passed in R.C.A. 2 of 2014, dated 17.12.2018 on the file of Subordinate Judge, Sathyamangalam confirming the fair and final order in R.C.O.P. No.2 of 2012 dated 17.07.2014 on the file of District Munsif Rent Controller Judge, Sathyamangalam.

For Petitioner : Mr.K.S.Jeyaganeshan

For respondent : Mr.Kothandaraman

ORDER

This Civil Revision Petition has been filed against the order of eviction.

2. The petitioner is a tenant, and the respondent landlord has filed an eviction petition under Sec.14(1)(b) of Tamil Nadu Buildings (Lease and Rent Control) Act (hereinafter called as 'Act') for demolition and reconstruction of demised premises in R.C.O.P. 2 of 2012 on the file of Rent Controller, Sathyamangalam. The learned Rent Controller after considering oral and documentary evidence has ordered eviction. Challenging the same, the petitioner has filed an appeal in R.C.A. 2 of 2014 on the file of Sub-Court, Sathyamangalam. The learned Rent Control Appellate Authority after considering the entire materials, has concurred with the findings of Rent Controller, and confirmed the order of eviction. Now, challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned counsel appearing for respondent and perused the

records carefully.

4. On perusal of materials available on record, the eviction petition has been filed on the ground of demolition and reconstruction of building. Both the courts below after considering the evidences available on record, have come to a conclusion that, the building is in a dilapidated condition, and the requirement of the building for the petitioner is also bonafide one, thereby ordered eviction. I find no illegality or irregularity in the concurrent findings of both the courts below, and I find no merit in this Civil Revision Petition. Hence, this Civil Revision Petition is liable to be dismissed.

5. Mr.K.S.Jeyaganeshan, learned counsel appearing for petitioner would contend that, the petitioner is running a hotel in the demised premises for more than 36 years, and he could not able to find a suitable place for running hotel. Hence, he requires atleast one year to vacate the premises.

6. Mr.Kothandaraman, learned counsel appearing for respondent would contend that, even at the time of filing petition, the eviction petitioner only seeks 3 years to vacate, but the building is in a dilapidated condition, which requires

immediate demolition. Hence, the petitioner may be directed to vacate the premises within a period of six months.

7. Considering the fact that, the petitioner is running a hotel, and established business for more than 36 years, I find the request made by the petitioner is reasonable one. He has also filed an undertaking affidavit to that effect that, the petitioner will vacate the premises and hand over the possession on or before 31.12.2020.

8. Considering the above request, and recording the above undertaking affidavit, the petitioner is directed to vacate and hand over the possession to the respondent landlord on or before 31.12.2020.

9. In the result, the Civil Revision Petition stands dismissed with the above direction. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 6142 of 2019 is closed.

09.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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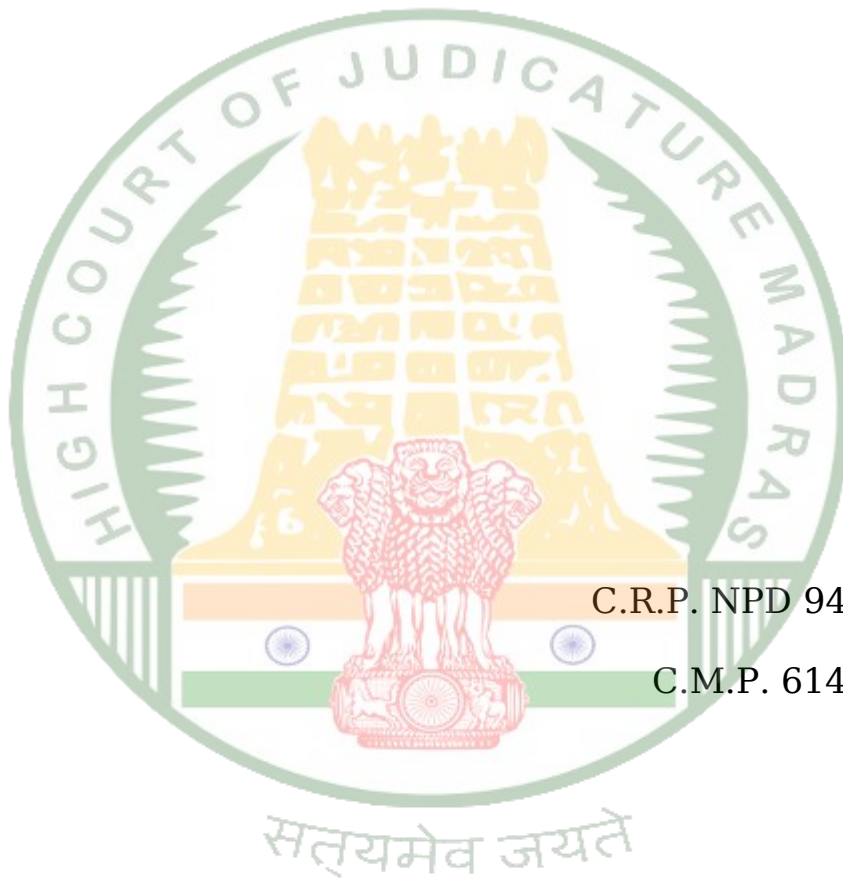
To

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Subordinate Judge,
Sathyamangalam.

V.BHARATHIDASAN,J.

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