

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T. ASHA

C.R.P.(NPD).No. 3621 of 2018

and

C.M.P.No.20219 of 2018

A.V.Ibrahim

Prop Ajmeer Tea Stall and
Ajmeer Cool Drinks

Plot No.1434, Shops 3 & 4,
Ground Floor, New No.2, Old No.64,
15th West Cross Street,
M.K.B.Nagar, Vysarpadi,
Chennai-600 039.

...

Petitioner

Vs.

K.Venkateswaralu

...

Respondent

Prayer : Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 as amended by Act 18 of 1971, against the order and decretal order passed in R.C.A.No.622 of 2017 by the learned VII Judge, Small Causes Court, Chennai, dated 01.08.2018, confirming the order and decretal passed in R.C.O.P No.913 of 2016 by the learned XI Judge, Small Causes Court, Chennai dated 19.07.2017.

For Petitioner : Mr.H.Adaikala Arockiaraj

For Respondent : No appearance

ORDER

The Civil Revision Petition arises against the order of authorities below granting eviction on the ground of demolition and reconstruction. The parties are referred to as Landlord and Tenant. The revision petitioner is the tenant under the respondent/landlord in respect of the two shop portions.

2.The landlord has filed an application under the provisions of Section 14(i)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act (hereinafter referred to as the Act) to demolish the petition premises on the ground that the building has developed cracks all over the walls and the roofing and flooring are also in a very bad condition and the landlord has decided to pull down the existing structure and put up a new construction. The tenant is refusing to vacate the premises and continuing to be in possession without paying the rents. The petitioner has submitted that he has received a sanction plan for demolition and reconstruction from the Corporation of Chennai on 26.06.2015 and he has sufficient

means to carry out demolition and subsequent reconstruction. The tenant has denied that the building is in a dilapidated conditions requiring immediate demolition. He would contend that the construction is quite strong and that the landlord does not possess the wherewithal to put up the construction.

3.The learned Rent Controller on considering the evidence on record held that the building requires demolition and that the tenant himself has admitted during the cross examination that the front side of the schedule premises is in a dilapidated condition and the rear portion of the building has also developed lot of cracks. The learned Rent Controller has also relied on the various orders of this Court to consider Ex.P.4 filed by the petitioner to show that he had the financial capability to proceed with the demolition and re-construction and that several banks and financial institutions are ready to grant funds to the landlord to put up the construction. Therefore, the learned Rent Controller allowed the petition and ordered eviction. This was confirmed by the learned Appellate Authority in R.C.A.No.622 of 2017 on the file of the learned VII Judge, Small Causes Court, Chennai. Challenging the

concurrent Judgment, the tenant is before this Court.

4.The tenant himself having admitted the dilapidated condition of the building cannot turn around now and state that the building is strong. It is also not in dispute that the building is over 50 years of age and the roofing being damaged extensively. The landlord has also proved that he has sufficient means for demolition and reconstruction by filing deposit receipts which have been marked as Ex.P4. As rightly pointed out by the authorities below, there are several financial institutions and Banks which are ready to offer loans, more particularly, the landlord has offered loan security.

In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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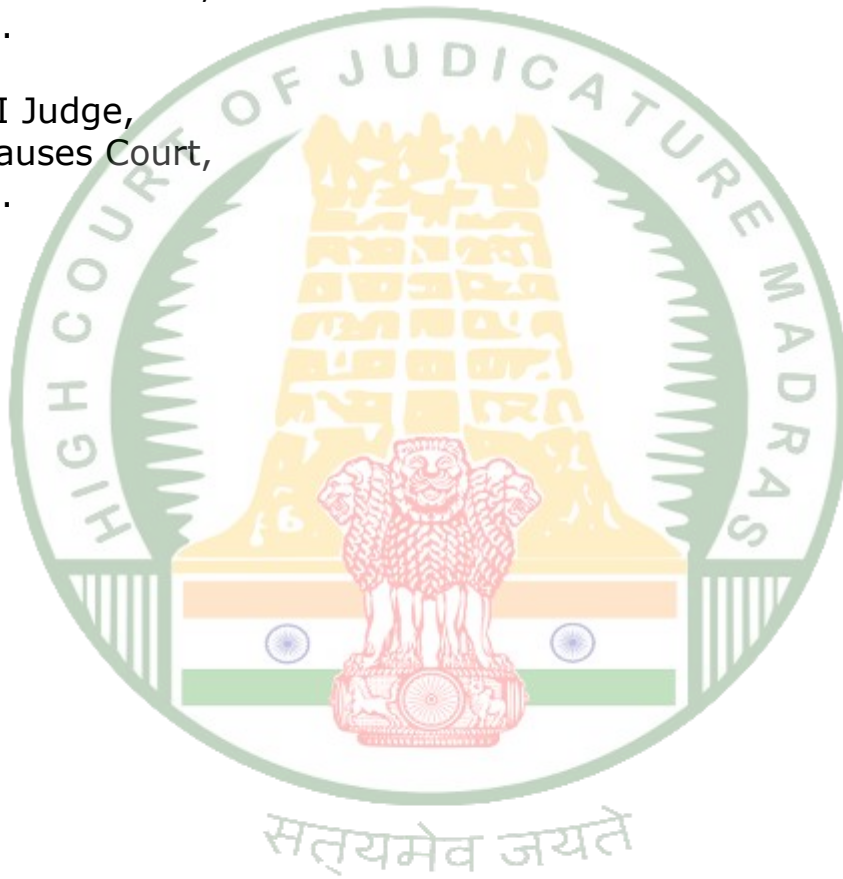
Index : Yes/No
Internet : Yes/No
Speaking /non-speaking order

mps/vsn

To

1.The VII Judge,
Small Causes Court,
Chennai.

2.The XI Judge,
Small Causes Court,
Chennai.



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P.T.ASHA.J,

mps/vsn



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