

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.RP(NPD).No. 361 of 2018

and

C.M.P.No. 1894 of 2018

Kolanjinathan

...Petitioner/Tenant

Vs.

Ramesh

..Respondent/Landlord

Prayer: Civil Revision Petition under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, against the judgment and decree passed in R.C.A.No. 1 of 2017 dated 08.08.2017 by the Sub-Court, Jayankondam, reversing the judgment and decree passed by the District Munsif Court, Jayankondam in R.C.O.P.No. 01 of 2004 on 13.09.2007.

For Petitioner : Mr.M.Senthil Vadivu

For Respondent : Mrs.Usha Raman

O R D E R

The tenant, who suffered an order of eviction at the hands of the Appellate Authority has come up with this revision under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act.

2. The respondent / landlord filed R.C.O.P.No. 1 of 2004 under Section 10 (3) (a) (i) of the Act seeking eviction of the tenant on the ground, he requires the premises for his own occupation for running his own business, which he is carrying on in a rented premises.

3. The said application was resisted by the tenant contending that the landlord / petitioner in RCOP is not the absolute owner of the property and that the tenant has been paying rent to him. It is also claimed that the landlord sought for increased rent, since the tenant did not agree, the landlord refused to receive the rents and launched this eviction proceedings, which according to the tenant are not bonafide. It is also claimed that the requirement of the landlord is not bonafide.

4. The learned Rent Controller on a erroneous appreciation of law as to the locus standi of a person to sue for eviction under the Tamilnadu Buildings (Lease and Rent Cotrol) Act concluded that since the landlord has not proved his title to the property and his father, who is the owner was alive on the date of filing of the eviction petition, he cannot seek eviction under Section 10(3) (a) (i) of the Act. On the said findings, the learned Rent Controller dismissed the application. Aggrieved, the landlord preferred an appeal before the Appellate Authority in R.C.A.No.1 of 2017.

5. The Appellate Authority, upon a reconsideration of the evidence on record concluded that the landlord has got locus standi to file the application, since the tenant himself has admitted that he has been paying rents to the landlord. Pending appeal, the father of the landlord also died and the Will executed by him took effect and thereby he became the owner of the property. The learned Appellate Authority also found that the landlord has been carrying on business in a rented building. The owner of the building was also examined as P.W.2. Once the fact that the landlord is carrying on his business in a rented building is proved the requirement of the landlord cannot be termed as malified.

6. This Court and Hon'ble Supreme Court has repeatedly held that it is for the landlord to decide upon the suitability of the premises to carryon his business and it is not for the tenant or the Courts constituted under the Rent Control enactment to dictate as to in which premises the landlord should carry on his business. Once the Appellate Authority reaches a factual finding that the need of the landlord is bonafide and directs eviction, I do not think I can interfere with the same under Section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act unless it is shown to be based on no evidence. The Appellate Authority has discussed the entire evidence and concluded that the plea taken by the tenant regarding the title of the landlord as well as the bonafide need of the landlord has to be rejected and it has been accordingly rejected.

7. The Appellate Authority has also found that the tenant has not paid the rent for nearly 10 years now and as such he rendered himself liable to be evicted on that ground also. I therefore, see no grounds to interfere with the order of the

learned apppellate authority. The order of eviction is confirmed and the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To:-

1. The Subordinate Judge,
Jayankondam.
2. The District Munsif Court,
Jayankondam.

Copy to
The Section Officer
VR Section
HighCourt Madras

+1 cc to Mr.Usharaman Advocate sr 29448

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