



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Date :16.02.2021

**CORAM**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

CRP (NPD) (MD) Nos.1322,1323,1335 to 1337 and 1339 to 1341 and 1343 of 2019

**CRP (MD) .Nos.1322 of 2019:-**

Charlin ... Petitioner in all CRPs

Vs

Palraj ...Respondent in CRP (MD) .No.1322/2019

1. Muthulakshmi @ Thangam D.No.182a,  
Gandhi Nagar 1st Street,  
George Road,  
Tuticorin. ... Respondent(s) in CRP (MD) . 1323/ 2019

1. Shanmugam, D.No.18/181,  
Gandhi Nagar 1st Street,  
George Road,  
Tuticorin-628 003.,  
Tuticorin District ... Respondent(s) in CRP (MD) . 1335/ 2019

1. Muniyammal Gandhi Nagar 1st St.,  
George Road, Tuticorin-628 003,  
Tuticorin District ... Respondent(s) in CRP (MD) . 1336/ 2019

1.Velmurugan  
Gandhi Nagar 1st St.,  
George Road, Tuticorin-628 003,  
Tuticorin District ... Respondent(s) in CRP (MD) . 1337/ 2019

1. Santhiveeran S/o.Muniyandi,  
Door No.182, Gandhi Nagar 1st Street,  
George Road, Tuticorin - 628 003,  
Tuticorin District ... Respondent(s) in CRP (MD) . 1339/ 2019



1. Mariammal

W/o.Raj, D.No.182a,

Ganthi Nagar 1st Street,

George Road, Tuticorin- 628 003,

Tuticorin District ... Respondent(s) in CRP(MD). 1340/ 2019

1. Sarmathi

W/o.Ramer, Door No.18/181,

Gandhi Nagar 1st Street, George Road,

Tuticorin -628 003,

Tuticorin District ... Respondent(s) in CRP(MD). 1341/ 2019

1. Samuthiraraj

S/o.Muniyandi, Door No.182 C,

Gandhi Nagar 1st Street,

George Road,

Tuticorin. ... Respondent(s) in CRP(MD). 1343/ 2019

**PRAYER:** This Civil Revision Petition has been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decretal order dated 15.04.2019 made in R.C.A.No.15 of 2018 on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin reversing the order dated 26.03.2018 of the Rent Controller, Principal District Munsif Court, Tuticorin in I.A.No.44 of 2017 in R.C.O.P.No.46 of 2016.

**Prayer in CRP(MD). 1323/ 2019 :**

Pleased to Set aside the Fair and Decretal Order, dated 15.04.2019, made in RCA.No.16 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the order dated 26.03.2018 of the Rent Controller, Principal District Court, Tuticorin, in IA.No.50 of 2017 in RCOP.No.54 of 2016, and allow the CRP.

**Prayer in CRP(MD). 1335/ 2019 :**

Pleased to set aside the Fair and Decretal Order, dated 15.04.2019, made in R.C.A.No.13 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the Order dated 26.03.2018 on the Rent Controller, Principal District Munsif Court, Tuticorin, I.A.No.51 of 2017 on R.C.O.P.No.64 of 2016, and allow the CRP and thus render justice.

**Prayer in CRP(MD) . 1336/ 2019 :**

Pleased to set aside the Fair and Decreetal Order, dated 15.04.2019, made in R.C.A.No.14 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the Order dated 26.03.2018 on the Rent Controller, Principal District Munsif Court, Tuticorin, I.A.No.47 of 2017 on R.C.O.P.No.51 of 2016, and allow the CRP and thus render justice.

**Prayer in CRP(MD) . 1337/ 2019 :**

Pleased to set aside the Fair and Decreetal Order, dated 15.04.2019, made in R.C.A.No.17 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the Order dated 26.03.2018 on the Rent Controller, Principal District Munsif Court, Tuticorin, I.A.No.43 of 2017 on R.C.O.P.No.45 of 2016, and allow the CRP and thus render justice.

**Prayer in CRP(MD) . 1339/ 2019 :**

Pleased to set aside the Fair and Decreetal Order, dated 15-04-2019, made in R.C.A.No.09 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the order dated 26.03.2018 of the Rent Controller, Principal District Munsif Court, Tuticorin in IA No.42 of 2017 in R.C.O.P.No.44 of 2016, and allow the CRP.

**Prayer in CRP(MD) . 1340/ 2019 :**

Pleased to set aside the Fair and Decretal Order, dated 15.04.2019, made in RCA No.10 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the order dated, 26.03.2018 of the Rent Controller, Principal District Munsif Court, Tuticorin, in IA No.77 of 2017 in RCOP No.50 of 2016, and allow the CRP.

**Prayer in CRP(MD) . 1341/ 2019 :**

Pleased to set aside the Fair and Decretal Order, dated 15-04-2019, made in RCA No.11 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the order dated, 26.03.2018 of the Rent Controller, Principal District Munsif Court, Tuticorin, in IA No.48 of 2017 in R.C.O.P.No.53 of 2016, and allow the CRP.

**Prayer in CRP(MD) . 1343/ 2019 :**

Pleased to set aside the Fair and Decretal order, dated 15.04.2019, made in RCA No.12 of 2018, on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin, reversing the order dated, 26.03.2018 of the Rent Contoller, Principal District Munsif Court, Tuticorin, in IA No.45 of 2017 in RCOP No.47 of 2016, and allow the CRP.

For Petitioner : Mr.S.Kadarkarai

For respondent : Mr.R.Alagumani

**COMMON ORDER**

These Civil Revision Petitions have been filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 against the fair and decretal order dated 15.04.2019 made in R.C.A.No.15 of 2018 on the file of the Court of Rent Control Appellate Authority, Subordinate Judge, Tuticorin reversing the order dated 26.03.2018 of the Rent Controller, Principal District Munsif Court, Tuticorin in I.A.No.44 of 2017 in R.C.O.P.No.46 of 2016.

2. Since the issue involved in all Civil Revision Petitions are one and the same, they are taken up together and decided by a common order.

2.1. The short facts of the case are as follows:-

2.2. The petitioner would aver among other things that he is the owner of the certain schedule mentioned properties therein. It is averred that the respondents in the Civil Revision Petitions are the tenants of the subject matter of the property in question. It is the case of the petitioner that since May 2015, they refuse to pay rent to the petitioner herein. In this regard, he sent a legal notice to the respondents herein on 29.08.2016. But, neither the tenants sent a reply nor rent to the petitioner, which resulted filing I.A.No.44 of 2017 in R.C.O.P.No.46 of 2016 by the petitioner herein. After contest, the Court below favoured with the petitioner herein asking the respondents/tenants herein either to pay rent or vacate the property in question within the time stipulated. Aggrieved over the same, the respondents herein filed R.C.A.No.46 of 2016 and the appellate court favoured with the respondents herein. Therefore, the petitioner is before this Court with these Civil Revision Petitions for the relief stated supra.

3. The learned counsel for the petitioner would contend that the Court below after perusing the documents produced by the petitioner had allowed the R.C.O.P.No.46 of 2016 but the appellate Court without appreciating those documents produced by the petitioner has simply reversed the judgment of the Court below which is not sustainable in the eye of law. Further, in order to drag on the proceedings, the respondents colluded together and refused to pay the rent to the petitioner. Hence, he prays for allowing these Civil Revision Petitions.

4. *Per contra*, the learned counsel for the respondents would only contend that the appellate Court felt that the petitioner herein did not produce the relevant documents to sustain the claim of the petitioner and on that ground, the appellate Court rightly reversed the findings of the Court below in which no illegality nor infirmity can be found and therefore, he prays for dismissing of these Civil Revision Petitions.



5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. The crucial issue to be decided in this case is whether the petitioner is the owner of the subject matter of the properties. Perusal of record shows that the petitioner marked 12 documents on his side to prove that he is the owner of the properties in question. The Court below culled out a point that the subject matter of the property was derived from his father. To rebut the claim of the petitioner, no documents have been marked on the side of the respondents herein. When the tenants were cross-examined, they admitted that they did not pay tax to the subject matter of the property; did not have patta in the name of the tenants; no electricity connection was obtained in their name and during their cross-examination, they admitted that the property in question did not belong to them. Therefore, before drawing a conclusion that the Court below sailed on the strength of the documents produced by the petitioner and eventually, it came to a conclusion that the respondents had purposely refused to pay the rent and the petitioner is the owner of the property. However, the appellate Court did not appreciate the documents produced by the petitioner herein and erred in allowing the claim of the tenants herein by deviating the well-considered judgment given by the Court below which is not sustainable in the eye of law. Therefore, these Civil Revision Petitions are liable to be allowed.

7. For the foregoing reasons, all the Civil Revision Petitions stand allowed and the order made in I.A.No.44 of 2017 in R.C.O.P.No.46 of 2016 stand confirmed. However, there will be no order as to costs.

Sd/-

Assistant Registrar (T&P)

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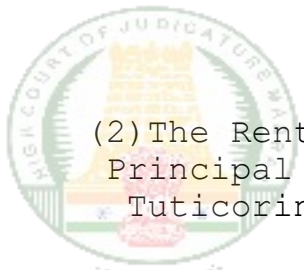
/ /2021

Sub Assistant Registrar(CS)

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To

(1)The Appellate Authority,  
Subordinate Judge,  
Tuticorin.



(2) The Rent Controller,  
Principal District Munsif,  
Tuticorin

**Copy to:-**

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The Section Officer, (2C)  
V.R.Records,  
Madurai Bench of Madras High Court.  
Madurai.

+1 CC to M/s.S.KADARKARAI, Advocate ( SR-5491[F] dated 17/02/2021 )

CRP (NPD) (MD) Nos.1322,1323,1335 to 1337 and  
1339 to 1341 and 1343 of 2019  
16.02.2021

PS (CO)

KB(21.09.2021) 6P 6C