



C.R.P. Nos.149, 151 & 153 of 2020 & CMP Nos.823, 831, 839 of 2020 & 7180, 7227 & 7233 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.R.P. Nos.149, 151 & 153 of 2020
& CMP Nos.823, 831, 839 of 2020 & 7180, 7227 & 7233 of 2021

1. M/s. S. Raju Cars
Represented by R. Babu
2. R. Babu
Raju Cars, Old No.30-a, Sengupta Street
Ramnagar, Coimbatore 641 009
3. R. Murthi
Raju Cars, Old No.30-a,
Sengupta Street
Ramnagar, Coimbatore 641 009 ... **Petitioners in CRP No.149/2019**
1. A. Ramu (died)
C/o. City Travels
Old No.29, Sengupta Street
Ramnagar, Coimbatore 641 009.
2. Parvathy
3. R. Geetha
4. Premalatha
5. Nirmala
6. R. Baskaran ... **Petitioners in CRP No.151/2019**



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1. F.A. Rahman (died)

2. A.K. Noorjahan

3. S.H. Sandhu Mohamed

4. S.H. Fathima Zakab

5. S.H. Shanganza

... **Petitioners in CRP No.153/2019**

Vs.

K. Balasubramaniam

... **Respondent in all the petition**

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal order passed by the Principal Sub Judge, Coimbatore, in R.C.A. Nos.28, 26 & 29 of 2017 dated 20.09.2019 respectively, upholding the orders in RCOP Nos.123, 119 & 121 of 2010 dated 01.09.2017 respectively on the file of the Principal District Munsif Court, Coimbatore.

In all the Petitions

For Petitioners : Mr. S. Ranjith Kumar

For Respondent : Mr.K.S. Karthick Raja

COMMON ORDER

These revision petitions are filed against the fair and decretal orders dated 20.09.2019 made in R.C.A. Nos.28, 26 & 29 of 2017 on the file of the learned Principal Sub Judge, Coimbatore.



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2. These petitions are from three different tenants in the buildings bearing Nos.29, 30 & 30A, Sengupta Street, Ram Nagar, Coimbatore, owned by the respondent. The entire premises consists of three buildings and 16 portions and the petitioners in the above petitions are tenants in the different portions of the property. C.R.P. No.149/19 is filed by M/s. Raju Cars represented by one R. Babu engaged in selling of cars since 1992. The CRP No.151/19 is filed by one A.Ramu (since deceased) represented by his legal heirs who have the automobile consultancy services and the third CRP No.153/19 is filed by one F.A.Rahman (since deceased) and his legal heirs dealing in car tyres sales. The owner of the buildings R. Balasubramaniam is the respondent who filed RCOP Nos.123, 119 & 121 of 2010 in the Rent Controller Court of Coimbatore. He had prayed for eviction of the tenants for two reasons. One, the need to demolish and reconstruct the dilapidated buildings. Two, to evict the tenants for the acts of waste. The RCOPs were allowed on the ground of demolition and reconstruction and the tenants were directed to vacate the premises, against which all of them went on an appeal and the



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appeals too got dismissed by the Rent Control Appellate Authority, Coimbatore. Hence these petitions.

3. The crux of the issue is that the owner of the buildings who is the respondent in all the three CRPs had contended that the buildings were more than 60 years old at the time of filing RCOPs and that they need a total revamp by way of demolition and reconstruction for which the tenants/appellants had to vacate the premises. The tenants/appellants contended that it was a ploy to evict them though they have been regular in payment of the rents. Furthermore, the tenants/appellants have also contended that the entire building is not unsafe and only portions of them are dilapidated and need demolition. They also refuted the claim of the respondent that their acts in one way or other affected the building by way of waste to the building. The tenants/appellants have relied on the Advocate Commissioner report which stated that in D.No.29, there were 5 portions out of which 4th and 5th portions were declared as not in good condition. Similarly in Door No.30, out of 7 portions only portions 4,5,6



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& 7 were reported to be not in good condition. In D.No.30-A, out of portions 1-4, 3 and 4 were reported as not in good condition.

4. Only two aspects have been relied by the lower court for eviction. They are,

- i. The intention of the landlord to demolish and reconstruct it.
- ii. The financial ability of the landlord to do it.

5. In the instant cases, both the courts below have clearly decided that the landlord had bona fide intention of reconstructing the buildings by stating that permission was sought for demolition and reconstruction from Municipal corporation. The building is more than 60 years old and there seems to be no dispute on this aspect. The landlord has also proved that he has the required finance to undertake the demolition and reconstruction. It is also seen that the tenants/appellants were only doing commercial activity in the respective buildings and the plea that the eviction order is framed on the ground that the buildings are in the midst of



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residential building does not hold water. In such circumstances, I do not find any infirmity in any of the three orders of both the Rent Controller and the Rent Control Appellate courts.

6. In the result,

- i. the Civil Revision Petitions are dismissed. No costs. Consequently connected miscellaneous petitions are dismissed.
- ii. The orders 20.09.2019 in R.C.A. Nos.28, 26 & 29 of 2017 on the file of the Hon'ble Principal Sub Judge, Coimbatore and orders dated 01.09.2017 in RCOP Nos.123, 119 & 121 of 2010 on the file of the Principal District Munsif Court, Coimbatore, are upheld.

28.09.2022

Index : Yes/No

Internet : Yes/No

Speaking/non speaking

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1. Principal Subordinate Judge, Coimbatore.
2. The Principal District Munsif Court, Coimbatore
3. The Section Officer, VR Section, High Court, Madras.



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R.HEMALATHA, J.,
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