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CRP.Nos.3213 to 3217 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.Nos.3213 to 3217 of 2015

CRP.No.3213 of 2015

E.Khader Sherif

... Petitioner

Vs.

1.Munusamy

2.A.Gajapathy

(2nd respondent impleaded vide order
dated 13.12.2022 in CMP.No.15929 of 2022
in CRP.No.3213 of 2015)

... Respondents

PRAYER: Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act XXIII of 1973 and Act I of 1980 to set aside the fair and decretal order dated 14.11.2003 and made in RCOP.No.1786 of 2002 on the file of the X Judge, Court of Small Causes, Chennai as confirmed in the judgment and decree dated 11.11.2014 and made in RCA.No.1558 of 2003 on the file of the VII Court of Small Causes, Chennai (Rent Control Appellate Authority).

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents

For R1 : Mr.K.Sathish Babu

For R2 : Mrs.G.Sumithra



CRP.Nos.3213 to 3217 of 2015

CRP.No.3214 of 2015

E.Khader Sherif

... Petitioner

Vs.

1.Selvi
2.A.Gajapathy
(2nd respondent impleaded vide order
dated 13.12.2022 in CMP.No.15930 of 2022
in CRP.No.3214 of 2015)

... Respondents

PRAYER: Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act XXIII of 1973 and Act I of 1980 to set aside the fair and decretal order dated 14.11.2003 and made in RCOP.No.1790 of 2002 on the file of the X Judge, Court of Small Causes, Chennai as confirmed in the judgment and decree dated 11.11.2014 and made in RCA.No.1556 of 2003 on the file of the VII Court of Small Causes, Chennai (Rent Control Appellate Authority).

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents

For R1 : Mr.K.Sathish Babu

For R2 : Mrs.G.Sumithra

CRP.No.3215 of 2015

E.Khader Sherif

... Petitioner

Vs.

1.Abdul Khader
2.A.Gajapathy
(2nd respondent impleaded vide order
dated 13.12.2022 in CMP.No.15188 of 2022
in CRP.No.3215 of 2015)

... Respondents



CRP.Nos.3213 to 3217 of 2015

PRAYER: Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act XXIII of 1973 and Act I of 1980 to set aside the fair and decreetal order dated 14.11.2003 and made in RCOP.No.1787 of 2002 on the file of the X Judge, Court of Small Causes, Chennai as confirmed in the judgment and decree dated 11.11.2014 and made in RCA.No.1557 of 2003 on the file of the VII Court of Small Causes, Chennai (Rent Control Appellate Authority).

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents

For R1 : Mr.K.Sathish Babu

For R2 : Mrs.G.Sumithra

CRP.No.3216 of 2015

E.Khader Sherif

... Petitioner

Vs.

Sakunthala (deceased)

1.Ravi

2.Balaji

3.A.Gajapathy

(3rd respondent impleaded vide order dated 13.12.2022 in CMP.No.15910 of 2022 in CRP.No.3216 of 2015)

... Respondents

PRAYER: Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act XXIII of 1973 and Act I of 1980 to set aside the fair and decreetal order dated 14.11.2003 and made in RCOP.No.1788 of 2002 on the file of the X Judge, Court of Small Causes, Chennai as confirmed in the judgment and decree



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dated 11.11.2014 and made in RCA.No.1559 of 2003 on the file of the VII Court of Small Causes, Chennai (Rent Control Appellate Authority).

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents

For R1 & 2 : Mr.K.Sathish Babu

For R3 : Mrs.G.Sumithra

CRP.No.3217 of 2015

E.Khader Sherif

... Petitioner

Vs.

1.Kuppusamy (deceased)

2.Selvi

3.A.Gajapathy

(3rd respondent impleaded vide order

dated 13.12.2022 in CMP.No.15927 of 2022

in CRP.No.3217 of 2015)

... Respondents

PRAYER: Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 1960 as amended by Act XXIII of 1973 and Act I of 1980 to set aside the fair and decretal order dated 14.11.2003 and made in RCOP.No.1789 of 2002 on the file of the X Judge, Court of Small Causes, Chennai as confirmed in the judgment and decree dated 11.11.2014 and made in RCA.No.1560 of 2003 on the file of the VII Court of Small Causes, Chennai (Rent Control Appellate Authority).

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents

For R1 & 2 : Mr.K.Sathish Babu

For R3 : Mrs.G.Sumithra



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COMMON ORDER

The civil revision petitions have been filed to set aside the fair and decreetal order dated 14.11.2003 and made in RCOP.Nos.1786, 1790, 1787, 1788 & 1789 of 2002 on the file of the X Judge, Court of Small Causes, Chennai as confirmed in the judgment and decree dated 11.11.2014 made in RCA.Nos.1558, 1556, 1557, 1559 & 1560 of 2003 on the file of the VII Court of Small Causes, Chennai (Rent Control Appellate Authority).

2. The petitioner filed petition for eviction on the ground of wilful default as against all the five tenants. According to the petitioner, the land was owned by Arulmigu Kadumbadi Chinnamman Temple, Saidapet, Chennai. The superstructure was put up by the petitioner and sub leased to the tenants. However, they have defaulted in payment of monthly rent and as such, the petitioner filed petition for eviction on the ground of wilful default. The first respondent in CRP.Nos.3213 to 3215 of 2015 and the first & second respondents in CRP.Nos.3216 & 3217 2015 had taken specific stand that the land belongs to Arulmighu Kadumbadi Chinnamman Temple and there is no landlord tenant relationship between the parties and therefore, the petition for



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eviction itself is not maintainable. At no point of time, the petitioner acted as landlord. Therefore, the petitioner has no cause of action to file petition for eviction. In support of the contention of the petitioner, he examined PW1 and marked Ex.P1 to Ex.P22. On the side of the tenants, they examined RW1 to RW5 and marked Ex.R1 to Ex.R6.

3. The learned Rent Controller dismissed the petition for eviction on the ground that there is no landlord tenant relationship and as such, the petition for eviction is not maintainable. The petitioner also failed to prove that the tenants were inducted under him. Aggrieved by the same, the petitioner preferred Rent Control Appeal and the same was also dismissed. Aggrieved by the same, the present civil revision petitions have been filed.

4. Admittedly, the property at door No.9/7, West Jones Road Saidapet, Chennai belongs to the said temple. The tenants were inducted by the temple and all ledgers would reflect that the first respondent in CRP.Nos.3213 to 3215 of 2015 and the first & second respondents in CRP.Nos.3216 & 3217 2015 are tenants under the temple. They are in occupation of the premises for more than two decades and are paying rents to the temple. At present, as per



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the Tamilnadu Hindu Religious and Charitable Endowments Act, rents are assessed for the premises and the tenants are paying rents as fixed by the temple authorities. Therefore, the courts below rightly dismissed the petitions filed by the petitioner and this Court finds no infirmity or illegality in the orders passed by the courts below.

5. Accordingly, all the civil revision petitions are dismissed. There shall be no order as to costs.

13.12.2022
(2/2)

Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.X Judge,
Court of Small Causes,
Chennai
- 2.The VII Court of Small Causes,
Chennai (Rent Control Appellate Authority).

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