



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	07.04.2022
DELIVERED ON	28.04.2022

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CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CR.P. (MD)Nos.722 & 723 of 2022

and

C.M.P. (MD)Nos.2943 & 2948 of 2022

S.Parameswari ...Revision Petitioner/Appellant/Respondent
in C.R.P. (MD)No.722 of 2022

S.Surendar ...Revision Petitioner/Appellant/Respondent
in C.R.P. (MD)No.723 of 2022

Vs.

1.P.Gugan
2.P.Jagan ...Respondents/Respondents/Petitioners
in both CRPs.

COMMON PRAYER: Civil Revision Petition under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to call for the records pertaining to the order dated 28.02.2022 passed in R.C.A.Nos.8 & 7 of 2021 on the file of the learned Rent Control Appellate Authority/Principal Subordinate Judge, Tiruchirappalli confirmed the order dated 15.03.2021 in R.C.O.P.Nos.59 & 60 of 2009 on the file of the learned Rent Controller/II Additional District Munsif Court, Tiruchirappalli and set aside the same by allowing the present Civil Revision Petition.

In both C.R.Ps

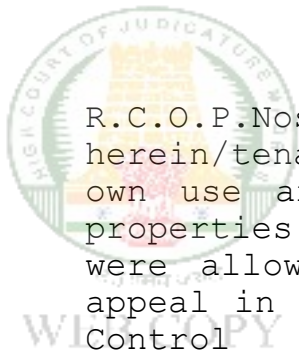
For Petitioner :Mr.R.Rajaraman
For Respondent :Mr.I.Velpradeep

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the order, dated 28.02.2022 in R.C.A.Nos.8 & 7 of 2021 passed by the learned Rent Control Appellate Authority/Principal Subordinate Judge, Tiruchirappalli confirmed the order, dated 15.03.2021 in R.C.O.P.Nos.59 & 60 of 2009 on the file of the learned Rent Controller/II Additional District Munsif Court, Tiruchirappalli.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The respondents herein/landlords have filed petitions in
<https://hcservices.ecourts.gov.in/hcservices/>



R.C.O.P.Nos.59 & 60 of 2009 to evict the revision petitioner herein/tenants, on the ground that the shops are required for their own use and occupation for the business of their father. Both properties in two RCOPs are adjacent properties. The said petitions were allowed. Against the order, the tenants have preferred an appeal in R.C.A.Nos.8 & 7 of 2021 on the file of the learned Rent Control Appellate Authority/Principal Subordinate Judge, Tiruchirappalli. The said appeals were dismissed. Against the same, the revision petitioners/tenants are before this Court.

4.Heard on either side. Perused the material documents available on record.

5.These Civil Revision Petitions are filed on the ground that the Appellate Court has failed to consider that the requirement of the premises by the landlords are not bonafide. The Appellate Court has failed to note that both the proceedings the landlord stated that they do not owned, not occupying for the purpose of business in any property owned in the city but their father owned the property in Shop No.29 as a coparcener /co owner just opposite to the shops Nos.25A and 25B. The Courts below are failed to note that the landlords failed to prove that their necessity are genuine and reasonable.

6.The tenants have stated that already the landlords are having non-residential building and they are running a business in Door No.25-C. They are having shop in Door No.24 & own shop in Door No.29.

7.Admittedly, Door No.24 & 25C are rental building. In Door No.29C their grand mother running business. The landlords have also filed Registration certificate in the name of one Alagammal for Door No.29C.

8.The tenants have failed to prove that the landlords are owning some other non-residential building. Only the landlords are having rights to choose that which building is suitable for their business. The tenants cannot dictate the landlords to run their business in some other properties.

9.The tenants are also having property on the back side of the petition mentioned property.

10.The Judgment reported in **2017- 2- LW 844, in the case of R.Ranga Babu & Others vs. AR.Devendran Prop. Singer Sewing Machine**, in which this Court held as follows:

.....

"12.It is my considered opinion is that now a days the Tenanted portion occupied by the Tenants have prolonged one pillar to another



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from vacating the Tenanted portion whenever the Landlords requires the Tenanted portion. When the landlord with a high faith on the tenant had let his/her property to the tenant at the time of initial tenancy that the tenant income will satisfy his/her family eke out and the tenant will vacate the premises whenever his/her demand made to the Tenant but the demand broke down the landlord's faith and expectation and the landlords were thrown pillar to posts by showing the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 as amended by Act 23 of 1973 as a weapon. A person who is occupying the landlords tenanted portion of the property as tenant must always bear in mind that he/she is only licensee to occupy and will have to handover the possession, whenever on demand made by the landlord since that will create cordial relationship and good faith on the human beings."

11. So, the reasons stated by the landlords is genuine, the learned Rent Control Authority has rightly allowed the petitions and the Appellate Court has also confirmed the orders. This Court has no valid reason to interfere with the concurrent findings.

12. Finally, both Civil Revision Petitions are dismissed by confirming the order, dated 28.02.2022 in R.C.A.Nos.8 & 7 of 2021 passed by the learned Rent Control Appellate Authority/Principal Subordinate Judge, Tiruchirappalli confirmed the order, dated 15.03.2021 in R.C.O.P.Nos.59 & 60 of 2009 on the file of the learned Rent Controller/II Additional District Munsif Court, Tiruchirappalli. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

1. The Rent Control Appellate Authority/
Principal Subordinate Judge,
Tiruchirappalli.

2. The Rent Controller/
II Additional District Munsif Court,
Tiruchirappalli.

COPY TO:

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

+2 CC to M/s.R. RAJARAMAN, Advocate (SR-21925,SR-21926[F] dated
28/04/2022)

C.R.P. (MD) Nos. 722 & 723 of 2022
28 .04.2022

RD(11.05.2022) 4P 7C