



C.R.P.No.3237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

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THE HON'BLE JUSTICE N.SATHISH KUMAR

C.R.P.No.3237 of 2024

B.Sukumar

... Revision Petitioner/Appellant/Landlord/Petitioner

-VS-

R.Mahalakshmi

... Respondent/Respondent/Tenant/Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act to allow this Revision Petition and set aside the Fair and Decretal Order passed in R.C.A.No.4 of 2016 on the file of the IX Court of Small Causes, Chennai dated 16.08.2023, confirming the order passed in R.C.O.P.No.904 of 2014 on the file of the XVI Small Causes Court, Chennai dated 28.10.2015.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.S.Mukunth, Senior Counsel
For Mr.R.Vasudevan



C.R.P.No.3237 of 2024

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ORDER

Challenging the concurrent findings of the Trial Courts, dismissing the applications filed under Sections 10(2)(1) and 23(1)(b) of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960 respectively, the present Revision Petition has been filed.

Background of the case in nutshell:

2. The Revision Petitioner had initially filed a petition under Section 10(2)(1) of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, claiming that his father was a hereditary Trustee of the Temple and absolute owner of the respondent premises and the respondent herein is a tenant in respect of Commercial Portion of two shops for a monthly rent of Rs.7,000/- each. It was averred in the petition that the respondent had defaulted in payment of monthly rent from March, 2012.

3. Before the Trial Court, the respondent herein had filed a counter affidavit, contending that she is not a tenant under the revision petitioner, as there is no agreement for lease in existence. It was further



C.R.P.No.3237 of 2024

contended that the petition premise was purchased by her late father R.Rajendran and after the demise of her father, her mother was in enjoyment and possession of the property. The land, in which the petition premise is situated belongs to a Temple called Siddi Buddi Sundara Vinayagar and the superstructure of two shops was constructed by her father, as her father purchased the same from a person, who was in occupation for long time. It was also contended that the Temple, being a Public Trust, the provisions of Rent Control Act will not be applicable as per Government Order dated 16.08.1976.

4. Learned counsel for the revision petitioner submitted that a sale deed (Ex.P1) was executed on 10.03.1941 and thereafter, a Settlement Deed (Ex.P3) dated 30.08.1964 had been executed for the purpose of utilizing the rental income for charitable activities. Learned counsel for the revision petitioner further submitted that these documents would amply prove that the revision petitioner is the owner of the property.

5. On circumspection of the facts pleaded in this case, it is seen that revision petitioner claims rights on the basis of the alleged purchase



C.R.P.No.3237 of 2024

made by the father in the year 1941 and it appears that the Trust had been created in the year 1964 by the father of the revision petitioner and he was said to have let out the premises. However, no document has been adduced to substantiate that the respondent or her husband or her legal heirs was inducted as a tenant in the premises. According to the respondent, the superstructure had been purchased by the father of the respondent long back and the respondent has independent right over the premises, as there was no jural relationship between the revision petitioner and the respondent and the title of the revision petitioner / landlord itself is disputed. Further, P.W.1 also admitted in evidence that one Rajendran, husband of the respondent was never tenant under him.

6. This Court is of the view that in the absence of sufficient materials to establish the landlord and tenant relationship between the parties, the revision petitioner cannot claim that there is a landlord and tenant relationship in existence, merely on the basis of the earlier document executed in the year 1941. In such view of the matter, this Court has no other option but to confirm the concurrent findings of the Courts below.



C.R.P.No.3237 of 2024

7. Accordingly, this Civil Revision Petition is dismissed. It is

open to the revision petitioner to file a suit for recovery of possession, if so

advised, in accordance with law. No costs.

27.11.2024

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

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C.R.P.No.3237 of 2024

N.SATHISH KUMAR,J.,
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C.R.P.(NPD) No.3237 of 2024

27.11.2024