



WEB COPY



CRP(MD)No.925 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP(MD)No.925 of 2021
and
C.M.P(MD)No.5247 of 2021

Krishnan ... Petitioner/Respondent/Respondent-Tenant

Vs

Tuticorin Permanent Fund Limited,
Its authorized signatory
V.Chockalingam

... Respondent/Appellant/Petitioner-Landlord

Prayer: This Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the learned Rent Control Appellate Authority (Sub-Judge), Thoothukudi in R.C.A.No.01 of 2018 dated 29.03.2021, reversing the fair and decreetal order of the learned Rent Controller-cum-District Munsif, Thoothukudi in RCOP No.36 of 2013, dated 06.11.2017.

For Petitioner : Mr.K.P.Krishnadoss

For Respondent : Mr.P.T.Ramesh Raja

ORDER

The Civil Revision Petition is filed to set aside the fair and decreetal order passed by the learned Rent Control Appellate Authority (Sub-Judge),



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Thoothukudi in R.C.A.No.01 of 2018 dated 29.03.2021, reversing the fair and decretal order of the learned Rent Controller-cum-District Munsif, Thoothukudi in RCOP No.36 of 2013, dated 06.11.2017.

2.The present revision petition is filed by the tenant, who was in occupation of the suit premises for a period of 38 years. The respondent, who is the landlord, had filed RCOP No.36 of 2013 before the learned Rent Controller-cum-District Munsif, Thoothukudi and the same was dismissed by the Rent Controller Court on the ground that though the application was made by the landlord on the ground of own use, it contended that there is an ample parking place recording the same. Aggrieved by the same, the landlord filed an appeal before the learned Rent Control Appellate Authority (Sub-Judge), Thoothukudi in R.C.A.No.01 of 2018. The Rent Control Appellate Tribunal had reversed the finding rendered in RCOP No.36 of 2013, directing the tenant to vacate the premises when a claim is made by the landlord for his own use that cannot be denied unless and until the contrary is proved. Challenging the said order, the petitioner/tenant has preferred this revision.

3.The learned counsel for the revision petitioner contends that he is aged about 65 years and has his business for the past 38 years, and his avocation and



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livelihood are derived only from this small premises comprising 82 sq.ft of land.

If he is thrown out of the said premises, the entire future and the livelihood that he derives will be a question mark for his family. In view of the same, the revision petitioner contends that the main claim of the landlord is only with regard to the parking of vehicles, where he is running a business on the southern side of the premises, which is relevant from the report and plan marked by the Advocate Commissioner, which finds places at Page No.13 of the present typed set of papers filed by the revision petitioner.

4. On the contrary, the learned counsel appearing for the respondent/landlord contends that the place situated at East Street, which has now become highly congested and due to the efflux of time, more shopping complexes, business activities, residential purposes and nearby temples, which caused huge traffic congestion and the business run by the landlord found it very difficult after the defective implementation of traffic regulation and on this score the landlord contends that his avocation is also relying upon the customers, who come to his business and find it difficult to park the vehicles. Admittedly, it is for the landlord to have a choice of having the property for his own use. It is not in dispute that the landlord's claim of the property is only for parking purposes. When the landlord is able to demonstrate that the parking business is depending



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on the parking, and only if the revision petitioner/tenants is vacated, he can convert the shop as a parking place. It is not in dispute that it is a case of tenant and landlord dispute and the right of the landlord assumes more significance when the landlord claims the property for his own use. Yet another allegation made by the respondent in the revision petition is that the revision petitioner, who is the tenant, had sublet the premises, though it was strongly denied by the revision petitioner. Without going into the veracity of the allegation and counter allegation of subletting the premises, it is always open for the owner to occupy his premises if the said premises is required for his own occupation.

5.In view of the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Rent Control Appellate Authority (Sub-Judge), Thoothukudi.
- 2.The Rent Controller-cum-District Munsif, Thoothukudi.



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N.SENTHILKUMAR, J.

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