



C.R.P.(MD)No.2175 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2175 of 2023

and

C.M.P.(MD)No.10913 of 2023

Karunakaran

... Petitioner

Vs.

1.Balasubramanian

Kanagasapabathi Nadar (Died)

2.Rajarathinam

3.Karthikeyan

Manokaran (Died)

4.Balasubramanian

5.Meenatchi

6.Vivekananthan

7.Jeya Chitra

8.Kalaifarasi

9.Ramamoorthi

10.Minor Kanagaranjitham

11.Minor Kanagaraj

... Respondents

(Minors 10 and 11 respondents are represented by their Court Guardian Advocate Mrs.Deepa, as per order in I.A.No.16 of 2018, dated 23.10.2018)



C.R.P.(MD)No.2175 of 2023

WEB COPY

PRAYER : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18/1960 as amended by Tamil Nadu Act 23/1973, against the order, dated 25.04.2022, passed in R.C.A.No.10 of 2017 on the file of Learned Rent Controller Appellate Authority (Subordinate Judge), Tiruchendur, confirming the order, dated 11.07.2014, passed in R.C.O.P.No.16 of 2005, on the file of the Learned District Munsif (Rent Controller), Tiruchendur.

For Petitioner	: Mr.M.Natarajan
For R1	: Mr.V.Meenakshi Sundaram
For R2, R5 & R7 to R9	: No appearance
For R6, 10 & 11	: Tapal due

ORDER

The present civil revision petition is filed by the tenant against the order, dated 25.04.2022, passed in R.C.A.No.10 of 2017 on the file of Learned Rent Controller Appellate Authority (Subordinate Judge), Tiruchendur, confirming the order, dated 11.07.2014, passed in R.C.O.P.No.16 of 2005, on the file of the Learned District Munsif (Rent Controller), Tiruchendur.

2. The tenant is the revision petitioner and the landlord is the respondent herein. The R.C.O.P.No.16 of 2005 was filed by the landlord under the ground for



WEB COPY

demolition and reconstruction. The brief facts are that the schedule property is a non-residential building consisting of three shops and the same was let for rent to three persons. In order to demolish and reconstruction, the tenants were requested to vacate the premises, since the tenants refused, the landlord had filed three RCOP cases. In the other two cases the RCOP was allowed in favour of the landlord, but in appeal the plea of landlord was declined and eviction was declined. Hence the landlord had preferred CRP(MD)No.1575 of 2013 and the same was allowed vide order dated 01.02.2022, thereby the two tenants were directed to be evicted. The present case is the third tenant.

3. The landlord in order to prove the proposal of reconstruction had produced plan approval, estimate and bank deposit to show the means of the landlord to put up construction and the same were marked as exhibits P1 to P3. Therefore, this Court is of the considered opinion that the landlord had proved the case of demolition and reconstruction. The tenant had not raised any legally sustainable ground and hence the present CRP filed by the tenant is liable to be dismissed.



C.R.P.(MD)No.2175 of 2023

WEB COPY

4. In the R.C.O.P., the tenant was directed to vacate the premises within five months. In the Appellate Court, further one month time was granted. The tenant is directed to vacate the premises on or before 31.03.2025. If not vacated the landlord is at liberty to vacate the tenant as per law.

5. With the above said observations, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Tmg

To

1. Rent Controller Appellate Authority
(Subordinate Judge), Tiruchendur.
2. District Munsif (Rent Controller),
Tiruchendur.
3. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.2175 of 2023

S.SRIMATHY, J.

Tmg

C.R.P.(MD)No.2175 of 2023

25.10.2024