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CRP.No.527 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:04.11.2025

Pronounced on: .11.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.527 of 2024
and CMP. No.2554 of 2024**

K.Manoharan

Petitioner(s)

Vs

Mr.Amtul Hafi

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1960 as Amending Act-23/1973), to set aside the fair and decreetal order in R.C.A. No.22 of 2023 on the file of the learned VII Judge, Court of Small Causes, Chennai (Rent Control Appellate Authority) dated 29.11.2023, partly confirming the order in RCOP. No. 1146 of 2018 on the file of the learned X Judge, Court of Small Causes, Chennai dated 10.01.2023.

For Petitioner : Mr.Manoj Sreevalsan

For Respondent : Mr.D.S.Ramesh



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ORDER

The unsuccessful tenant in eviction proceedings is the revision petitioner.

2. I have heard Mr.Manoj Sreevalsan, learned counsel for the revision petitioner/tenant and Mr.D.S.Ramesh, learned counsel for the respondent/landlord.

3. Mr.Manoj Sreevalsan, learned counsel for the revision petitioner, at the outset submit that the Courts below viz., the Rent Controller as well as Appellate Authority have committed a grave error in ordering eviction on the ground of demolition and reconstruction while negating eviction sought for by the respondents on the ground of willful default and owner's occupation.

4. The learned counsel for the petitioner would submit that at the outset that when the Courts have come to a finding that the landlord had approached the Court with a false case that the petitioner has committed willful default in payment of rents, then the Courts ought not to have accepted the request of the landlord to be bonafide and proceeded to



order eviction insofar as the request for demolition and reconstruction was concerned.

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5. Mr.Manoj Sreevalsan, learned counsel for the petitioner would also invite my attention to the findings of the Rent Controller that the building needs repairs and maintenance, has not been upset by the Appellate Authority and therefore, there was no necessity for the respondent to seek eviction on the ground of demolition and reconstruction, invoking Section 14(1)(b) of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 (in short 'Act'). The learned counsel for the petitioner would further state that for repairs, a separate avenue is open to the landlord to seek recovery of possession for a limited period of time alone, to enable the repairs to be carried out and thereafter, to re-induct the tenant into the property, which is under Section 14(1)(a) of the Act. He would therefore state that the Courts below have erroneously proceeded to order eviction on the ground of demolition and reconstruction.

6. Mr.Manoj Sreevalsan, learned counsel for the petitioner would further state that the petitioner came to Court with a false case that the



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building is aged 70 years and the Engineer examined on the side of the respondent/landlord has also assessed the age of the building to be 70 years. However, the tenant has relied on Ex.R8, which is Lease Agreement entered into by the respondent/landlord with the earlier tenant, in which, it is mentioned that the building was constructed only 30 years back. The learned counsel would therefore submit that both the Courts have concurrently committed an error in accepting the request of the respondent/landlord to be bonafide. He would therefore pray for the revision being allowed.

7. Per contra, Mr.D.S.Ramesh, learned counsel for the respondent would submit that the petitioner is occupying a very small area of less than 100 sq.feet in the ground floor and all the other tenants in the building have already vacated and the building is in a very dangerous and dilapidated condition which may fall any time. He would further state that both the Court viz., Rent Controller as well as Appellate Authority have rightly considered the condition of the building and proceeded to order eviction. He would further state that the request of the respondent/landlord has been established to be bonafide as required under Section 14(1)(b) of the Act and therefore, there is no necessity to



interfere with the concurrent findings of the Courts below, he prays for dismissal of the revision.

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8. I have carefully considered the submissions advanced by the learned counsel on either side and I have gone through the orders passed by the Rent Controller as well as the judgment of the Appellate Authority, concurrently ordering eviction against the revision petitioner.

9. The jural relationship of landlord and tenant is not in dispute. According to the petitioner, the premises was required for his own occupation for non-residential use and also for demolition and reconstruction. Additionally, it was also alleged by the respondent that the petitioner was default in payment of rents and that such default was willful and therefore, the petitioner was liable to be evicted even on the ground of willful default. The eviction petition was resisted by the revision petitioner stating that he has paid a security deposit of Rs.10,000/- and also that there has been no default in payment of rents. The requirement of the respondent for owner's occupation was alleged to be malafide and it has been claimed by the revision petitioner that the petitioner owns three other properties in the City of Chennai. As regards



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the request on the ground of demolition and reconstruction, the petitioner claims that the building was structurally sound and in a good condition and it does not warrant immediate demolition and reconstruction.

10. The Rent Controller finding that the tenant has been able to establish payments of monthly rents up to August 2018 and taking into account that an advance of Rs.10,000/- was available to be adjusted, found that the default cannot be construed as willful. Insofar as owner's occupation and demolition and reconstruction, the Rent Controller found that the requirement of the respondent was bonafide and ordered eviction on both these grounds.

11. On Appeal, by the revision petitioner, the Appellate Authority set aside the findings of the Rent Controller with regard to the requirement for own use and occupation, but however confirmed the eviction under Section 14(1)(b) of the Act.

12. Regarding the arguments of Mr.Manoj Sreevalsan, learned counsel for the petitioner insofar as bonafides being attacked on the ground that the landlord has not succeeded in establishing willful



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defaults as well as bonafide requirement for own use and occupation, I am unable to countenance the said argument. Merely because, the respondent/landlord has not been successful in establishing willful default being committed by the petitioner or that the requirement for own use and occupation did not subsist, will not take away the bonafides, insofar as the requirement of the building for demolition and reconstruction. Bonafides under Section 10(3) and Section 14 are entirely different. The test for ascertaining the bonafides of the landlord under Section 14(1)(b) of the Act, revolve around the age and condition of the building, the financial status of the landlord to demolish and put up new construction and also his motive not being only to throw out the tenant. It is in the light of this requirement that the Rent Controller as well as the Appellate Authority had tested the bonafide need and request of the respondent/landlord and have concurrently found that the respondent has made out bonafide need and requirement of the petition premises for the purpose of demolition and reconstruction.

13. As regards the arguments that the age of the building is not 70 years as projected by the landlord and it can be only 30+ years, it is now settled law that it is not necessary that the building must be ancient or



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very old for the landlord to seek the building for demolition and reconstruction. Even a new building which has not been properly constructed may require immediate demolition and reconstruction. Even according to the tenant under Ex.R8, the building is more than 30 years. All the other tenants have already vacated and the petitioner has also made necessary application for sanction plan to put up new construction and has established his bonafides in this regard. The petitioner has also shown sufficiency of funds to meet the costs necessary for putting up the new construction. All these factors have rightly been considered by the Rent Controller and affirmed by the Appellate Authority and the same does not require interference in revision.

14. With regard to the arguments of Mr.Manoj Sreevalsan, learned counsel for the revision petitioner that the findings of the Courts below are that the building only needs repair and maintenance, merely because, there has been a wrong choice of use of words by the Rent Controller and the Appellate Authority, the same cannot be read in isolation. The entire pleadings, evidence and documents would have to be read together before coming to a conclusion whether the requirement of the landlord is bonafide or not. Such assessment has rightly been carried out by the



Courts, and therefore, merely because it has been mentioned that the requirement of repairs and maintenance is made out, does not in any way advance the case of the revision petitioner/tenant. This argument is also liable to be rejected.

15. In fine, I do not find any merits in the revision petition, especially exercising the jurisdiction under Section 25 of the Act, the scope of interference also being limited and the two Courts have concurrently found the requirement of the respondent to be genuine and bonafide, in revision, this Court is not entitled to re-appreciate the evidence and come to a different conclusion on facts.

16. In the light of the above, there is no merit in the revision and the Civil Revision Petition is **dismissed**. The petitioner shall vacate and hand over vacant possession of the tenanted premises by 31.01.2026 and an affidavit of undertaking shall be filed agreeing and undertaking to vacate the tenanted premises by 31.01.2026; to pay the monthly rents without any default till such time, he vacates and hand over vacant possession; that he shall not induct any third parties into the possession of the tenanted premises and shall peacefully vacate and hand over



vacant possession to the respondent, without driving the respondent to initiate Execution Proceedings. Consequently, connected Miscellaneous Petition is also closed. No costs.

21.11.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

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



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P.B.BALAJI, J.,

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Pre-delivery order in
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