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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.04.2025

Delivered on : 21.07.2025

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.Nos.1285 and 1065 of 2025

and

C.M.P.Nos.6114 and 7681 of 2025

K.Thamaraiselvan

Petitioner

vs.

Mrs.Sivakami Sachitanandam

Respondent

C.R.P.No.1285 of 2025

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree dated 14.2.2025 passed by the XIX Additional City Civil Judge, Chennai in R.L.T.A.No.248 of 2023 confirming the judgment and decree dated 19.7.2023 in R.L.T.O.P.No.643 of 2022 on the file of the XV Small Causes Court, Chennai.

C.R.P.No.1065 of 2025

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree dated 1.2.2025 passed E.A.No.4 of 2024 in E.A.No.3 of 2024 in E.P.No.34 of 2024 on the file of the XV Small Causes Court, Chennai.

For Petitioner : Ms.Narmadha Sampath for
Ms/.S.Kumarsankar

For Respondent : Mr.P.Valliappan, Senior Counsel for
M/s.PV Law Associates

COMMON ORDER

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A tenant, who stands evicted by the order dated 14.2.2025 passed by the XIX Additional City Civil Judge, Chennai in R.L.T.A.No.248 of 2023 and the findings rendered by the XIX Additional City Civil Judge, Chennai in R.L.T.A.No.248 of 2023 by judgment dated 14.2.2025 concurring with the Rent Controller, has preferred the present civil revision petitions, one challenging the concurrent findings and the other challenging the order passed by the Rent Controller dismissing the Application filed by him to issue subpoena to the Executive Engineer and Administrative Officer of the Tamil Nadu Hosing Board of Anna Nagar Division.

2. Brief facts of the case:-

i) The respondent herein had filed the petition for eviction and recovery of arrears, contending that she, being landlady in respect of the demised premises, a two-storied building of an extent of 1350 sqft and adjoining vacant land totally measuring an extent of 2050 sqft, had let the same to the revision petitioner on a monthly rent of Rs.30,000/- from 25.2.2010, which was enhanced to Rs.33,000/- from April 2013 and the revision petitioner defaulted in payment of rent and



added to that the demised premises was required for the occupation of her daughter.

ii) Having contended that there is no written agreement in respect of letting out the demised premises in view of non-inclination of the revision petitioner to sign any such document, the respondent claims to have requested the revision petitioner to deliver the vacant possession of the demised premises in May 2017 as it was required for the occupation of her daughter, who was to return from USA, for which the revision petitioner had assured to delivery the same in December 2017 and requested the respondent herein to deduct the rent from and out of the deposit of Rs.3,00,000/-, however, the revision petitioner had not delivered the vacant possession as assured by her, instead, filed a suit in O.S.No.2166 of 2018 under Order VII Rule 1 of CPC seeking for permanent injunction against the respondent herein and another suit in R.C.O.P.No.1181 of 2018 seeking fixation of fair rent in respect of the demised premises.

iii) While the petition in R.C.O.P.No.1181 of 2018 filed by the revision petitioner seeking fixation of fair rent was dismissed for default, on 26.10.2021 by the Rent Controller/XII Judge, Court of Small Causes, Chennai and the petition in M.P.No.2 of 2021 seeking



restoration of the said RCOP was also dismissed by order dated 10.3.2022, the suit in O.S.No.2166 of 2018 filed by him was decreed on 14.11.2022 by the XIII Assistant Judge, City Civil Court, Chennai granting him permanent injunction in respect of the demised premises.

iv) In the meanwhile, on 2.9.2022, the landlady/respondent herein had filed the eviction petition in R.L.T.O.P.No.643 of 2022 on the ground of own occupation and also for recovery of arrears of rent, contending that the revision petitioner had been in default in payment of rent from April 2017 and even after appropriating the entire advance amount towards such default, the revision petitioner is liable to pay the arrears of rent, which works out to Rs.15,18,000/-.

v) In the counter, the revision petitioner, while, basically, admitting his occupation of the demised premises on acquiring the same from the respondent herein on a monthly rent of Rs.30,000/-, denied the other averments made in the eviction petition including the attribution of non-cooperation in entering into a rental agreement, rather, shifted it on the respondent herein and sought for dismissal of the eviction petition.

vi) The Rent Controller, having considered the case on merits, allowed the petition under Section 21(2)(a) of the Tamil Nadu



Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 while dismissing the claim of compensation under Section 23 of said Act, by order dated 19.7.2023.

vii) Questioning the very title of the landlady/respondent herein and stressing that Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2019 has been wrongly applied by the Rent Controller, the revision petitioner had preferred an Appeal before the Rent Control Appellate Authority.

viii) Answering both the questions against the appellant, the Rent Control Appellate Authority, had dismissed the Appeal filed by the revision petitioner by judgment dated 14.2.2025. Challenging the said order, C.R.P.No.1285 of 2025 has been filed.

ix) In the meanwhile, the respondent herein had initiated execution proceedings in E.P.No.34 of 2024, wherein, the revision petitioner had filed an Application in E.A.No.3 of 2024 under Section 47 of CPC, harping on the issue of title once again.

x) Pending his Application under section 47 of CPC, the revision petitioner has chosen to file another Application in E.A.No.4 of 2024 under Order XVI Rule 6 of CPC to issue subpoena to the Executive Engineer and Administrative Officer of the Tamil Nadu Hosing Board of



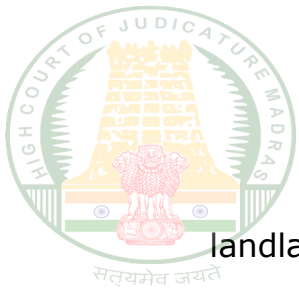
Anna Nagar Division.

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xi) Finding that similar application filed by the petitioner in I.A.No.3 of 2024 in R.L.T.A.No.248 of 2023 before the Rent Control Appellate Authority was dismissed by order dated 16.11.2024 and the Civil Revision Petition filed before this court in C.R.P.No.4989 of 2024 challenging the said order was also dismissed on 05.12.2024 and also considering the bar on the Rent Courts in deciding the question of title under Section 40(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2019, the executing court had dismissed the Application in E.A.No.4 of 2024. Challenging the order, C.R.P.No.1065 of 2025 has been filed.

3. Heard Ms.Narmada Sampath, learned counsel appearing for the revision petitioner and Mr.P.Valliappan, learned Senior Counsel appearing for the respondent and perused the materials available on record.

4. From the factual aspects and the submissions made by the learned counsel appearing for either side, it could be seen that the revision petitioner/tenant, having kept quiet on the jural relationship of



landlady-tenant all along the proceedings before the Rent Control Court, rather, in a way, admitted it and contested the case with some trivial issues, had come out with a novel idea of even denying the title of the landlady itself in the Appeal filed by him against the order of eviction and the execution proceedings initiated by the landlady, by attributing some fraudulent action on the part of the landlady.

5. To achieve his motive, the revision petitioner, apart from filing an Appeal against eviction with such a stand, has chosen to file an Application under Section 47 CPC with the same stand and has gone to an extent of filing Applications to produce some documents and seeking issuance of subpoena to the Officers of the Housing Board to let in evidence.

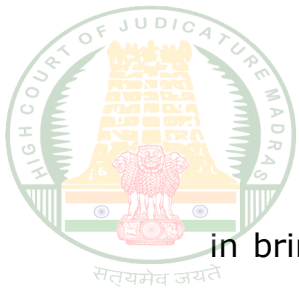
6. While such Applications filed by the revision petitioner had been dismissed by the courts below on considering their own merits and also on the issue of jurisdiction of the courts, this court finds that it is not a fit case to entertain the claim of the revision petitioner as the revision petitioner expects the Rent Courts to go beyond its jurisdiction in deciding the title of the landlady. The revision petitioner



is not justified in expecting the rent court to adjudicate upon the title of the landlady in an eviction proceedings, where, the question of title to the demised properties may be incidentally gone into, but cannot be decided finally.

7. Considering the entire circumstances of the case, this court is of the view that it would be unjust to allow the revision petitioner to approbate and reprobate as on one hand, he admits the ownership of the landlady by filing a suit in O.S.No.2166 of 2018 seeking for permanent injunction, while, on the other hand, when it comes for his eviction from the tenanted premises, he chooses to deny the very title of the landlady. This court is not able to appreciate the *modus operandi* of the revision petitioner in taking innovative stands after failure of his previous attempt to sustain his occupational right over the demised premises and in order to frustrate the eviction proceedings.

8. Though the genuineness of the contentions of the revision petitioner cannot be gone into in the present proceedings, assuming for a moment, even if the revision petitioner succeeds in his attempts

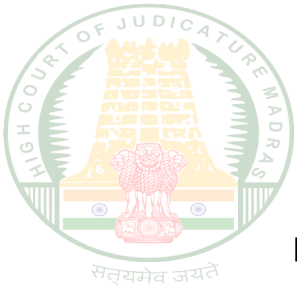


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in bringing out some confusion over the title of the landlady, it would in no way benefit him as admittedly, the rent paid/defaulted by him are in respect of his occupation of the premises. As of now, he does not have any *locus standi* to question the genuineness of the title of the landlady and if at all, there is any claim from anybody else as a rightful owner of the demised premises, it is the look out of such a socalled rightful owner and the tenant cannot invent and introduce any such person, rather, step into the shoes of such unknown person at this stage to deprive of the landlady, whose ownership has been affirmed in various forums as of now and the tenant requires to be estopped from proceeding with his frivolous proceedings at the cost of the landlady, under the pretext of deciding the title of the landlady. When once, the tenant denies the title of the landlady, though not entertainable, he loses even his tenancy relationship.

9. The Rule of Estoppel stipulated in Section 116 of the Indian Evidence Act, 1872 plays against the revision petitioner. It reads as under:-

"116. Estoppel of tenant; and of licensee of person in



possession. --

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No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property and no person who came upon any immovable property by the licence of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such licence was given."

10. While the Rule of Estoppel is very clear against the tenant in eviction proceedings, relying on certain decisions, the learned counsel for the revision petitioner would submit that the probe made by the revision petitioner, though at a belated stage, had revealed certain truth to the extent that the respondent/landlady had acquired the demised premises by fraud and thereby, she cannot be construed as a landlord to maintain the petition for eviction against the revision petitioner before ever the cloud surrounding her title in respect of the demised premises stands unfogged. The learned counsel would further



submit that though such a dispute has not been raised by the revision petitioner before the Rent Controller, the title of the landlord being crucial to decide the landlord-tenant relationship, such a stand can be taken at any stage.

11. The decisions relied on by the learned counsel for the revision petitioner are as under:-

i) **Champa Lal Sharma v. Smt.Sumita Maitra Opposite party** (1990 BLJR 1 268)

ii) **Rajeshwar Prasad and another vs. Sita Ram Marwari and others** (1977 AIR PAT 247)

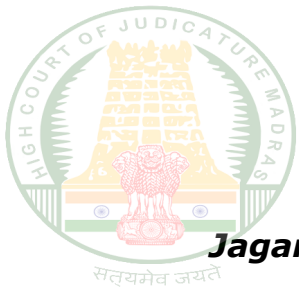
iii) **Krupasindu Routra and another v. Purna Chandra Misra and others** (1972 CLT 38 764)

iv) **Kiran Singh and others vs. Chaman Paswan and others** (AIR 1954 SC 340)

v) **Ramesh Salunkhe vs. Pramila Jain** (2022 SCC OnLine Mad 372)

vi) **Mangat Ram and another vs. Sardar Meharban Singh and others** (AIR 1987 SC 1656)

vii) **S.P.Chengalvaraya Naidu (dead) by LRs vs.**

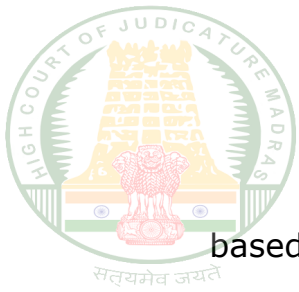


Jagannatha (dead) by LRs and others (1994) 1 SCC 1

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12. In the decision in **Champa Lal Sharma v. Smt.Sumita Maitra Opposite party** (1990 BLJR 1 268), the Patna High Court has focused on deciding the landlord-tenant relationship before deciding the entitlement of the landlord to get decree for eviction and to withdraw the rent deposited by the tenant when once the title of the landlord is in dispute. But, in the present case, no such denial of title had been pleaded by the tenant before an eviction order was passed.

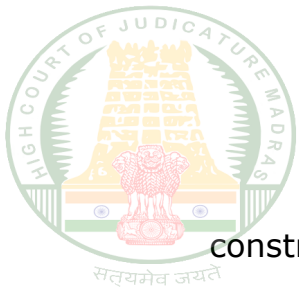
13. In **Rajeshwar Prasad and another vs. Sita Ram Marwari and others** (1977 AIR PAT 247), the plaintiff, having taken a stand that he took the demised premises on permanent settlement from Muthawalli of Bihar Subai Sunni Majlish-e-Waqf, such title was found to be void by the Trial Court, Appellate Court and the High Court in the proceedings initiated by the Waqf and based on such firm finding with regard to the title of the landlord, precluded the bar provided under Section 116 of the Indian Evidence Act against the tenant. But, in the case on hand, it is mere denial of title by the revision petitioner



based on his so-called research work without there being any verdict from any fact finding forum.

14. In **Krupasindu Routra and another v. Purna Chandra Misra and others** (1972 CLT 38 764), the question of paramount title to the suit house subsequent to the tenancy including the plea of extinguishment of plaintiff's title had been specifically pleaded by the tenant and thereby it was held that such a plea comes within the exception to Rule of Estoppel in Section 116 of the Indian Evidence Act. But, in the case on hand, no such dispute over title of the landlord was raised and there is also no question of extinction of title.

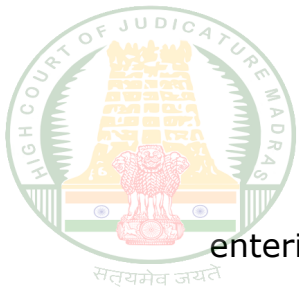
15. The decision in **Kiran Singh and others vs. Chaman Paswan and others** (AIR 1954 SC 340) is sought to be relied on by the learned counsel for the revision petitioner to contend that a decree passed by a court without jurisdiction is a nullity and that the invalidity could be set up whenever and wherever it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings. However, in the instant case, the eviction order passed by the Rent Controller against the revision petitioner cannot be



construed as a nullity as the jurisdiction of the Rent Controller is not an issue.

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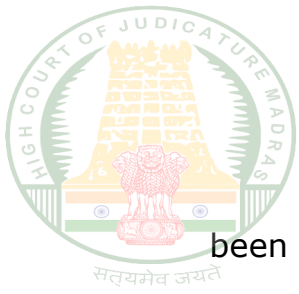
16. Of course, this court in **Ramesh Salunkhe vs. Pramila Jain** (2022 SCC OnLine Mad 372) has, incidentally, observed that there is a lacuna in TNRRRLT Act to meet the situation narrated in that case. It was found therein that it was the landlady, who had shut the door once for all by categorically saying in her letter in Exhibit P3 that she does not want any communication or exchange of letters from the tenant regarding the rental agreement. Further, the eviction petition filed in the said case found to be a premature one as it was filed even before expiry of 575 days from the date of commencement of the Act viz., the outer time limit stipulated for executing the rental agreement. In such a situation, using of Section 21(2)(a) of the Act as a tool for evicting a tenant was condemned. But, the case on hand is not similar to the said case. While both the landlady and the tenant reciprocally contend that only the other party was not willing to enter into a rental agreement, the non-availability of such agreement leads to a simple presumption in favour of the landlady. To be precise, the scope of the legislature appears to emphasize the tenant to take initiative for



entering into a rental agreement to avoid the ordeal of Section 21(2)(a) of the Act. Further, the eviction petition in the present case was filed in the year 2022, well after the grace period of 575 days granted in the Act. Therefore, the observation made in the above decision will not be helpful to the tenant in the present case.

17. The decision in ***Manga Ram and another vs. Sardar Meharban Singh and others*** (AIR 1987 SC 1656) has been sought to be relied by the learned counsel for the revision petitioner to contend that the estoppel contemplated by Section 116 is restricted to the denial of title only at the commencement of the tenancy and if the tenant could disprove the title of the landlord, the tenant could very well take such a stand at any stage of the proceedings. In the said case, the eviction having been sought for on the ground of default in payment of rent, the status of the landlord as lessor in respect of the demised premises found to have come to an end on the basis of the admission of the landlord and such development was the basis for the observation made in the said case.

18. The decision in ***S.P.Chengalvaraya Naidu (dead) by LRs vs. Jagannatha (dead) by LRs and others*** (1994) 1 SCC 1 has



been relied on by the learned counsel for the revision petitioner to contend that the eviction order, obtained by the respondent herein without proving her title, is a nullity and thereby it can be questioned even at the stage of execution proceedings. In the case on hand, the denial of title of the landlady was taken by the revision petitioner only at appellate stage. Moreover, as observed above, the tenant has no *locus standi* to question the title of the landlady in an eviction proceedings initiated by her. That being so, the question of obtaining a decree by the respondent herein fraudulently does not arise for consideration.

19. In view of the above discussion, this court finds that the decisions cited by the revision petitioner will not come to his rescue. The civil revision petition in C.R.P.No.4989 of 2024, which was filed by the tenant, on failure to his similar attempt before the Rent Control Appellate Authority, was dismissed by this court by order dated 5.12.2024, observing that once the tenant has admitted in categorical terms that he was inducted as a tenant by the landlord and he was paying the rent, now, he cannot take a contrary stand denying the title in view of the settled position of law and the the application is nothing



but only to drag on the proceedings. It is also seen that SLP No.2454/2025 preferred by the revision petitioner challenging the above order was also dismissed by the Apex Court by order dated 31.1.2025 finding no reason and ground to interfere with the order passed by this court.

20. The specific wording in Section 116 of the Indian Evidence Act, 1872 clearly implies a bar on the tenant to deny the title of the landlord. To be precise, the attempt of the revision petitioner/tenant, after having entered into tenancy relationship with the landlady, is nothing but cutting off the branch he is sitting on, as once he denies the title of the landlady, he loses the very tenancy relationship he claims to have enjoyed in respect of the demised premises. It may not be fair enough to direct the landlady to wait till an adjudication is made on the issue of title at the instance of the tenant, especially, when the tenant had chosen to take the stand of denial of title belatedly after admitting the ownership in various forums.

21. Coming to the correctness of the order passed by the Rent Controller, which was concurred by the Rent Control Appellate



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Authority, this court finds that when once the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 came into operation, the relationship of landlord and tenancy are governed by the said Act and as per Section 21(2)(a) of the said Act, the landlord is entitled to seek re-possession of the demised premises.

22. In this regard, this court in ***S.Muruganandam vs. J.Joseph*** (2022 SCC OnLine Mad 375), after elaborately discussing on the issue, has observed that as per Section 21(2)(a) of the Act, the failure on the part of the tenant or the landlord to enter into a written agreement of tenancy is a ground for seeking repossession by the landlord and it does not specify as to the reason for failure to enter into an agreement in writing. It has also been held therein that the said provision gives the right to the landlord to sue for repossession *de hors* the fact that the landlord may be at fault and he may be the reason for non-renewal or failure to enter into an agreement in writing, however, it is not open to a tenant to contend that despite his request, the landlord did not execute an agreement in writing and therefore, the landlord cannot invoke Section 21(2)(a) seeking repossession.



23. Placing reliance on the above decision, the Rent Court has rightly ordered for eviction and the Appellate Authority has rightly concurred with the same. Similarly, the Executing Court has rightly dismissed the Application filed by the revision petitioner seeking issuance of subpoena to the Executive Engineer and Administrative Officer of the Tamil Nadu Hosing Board of Anna Nagar Division.

24. In view of the above discussion, this court does not find any ground for interference with the findings of the courts below and the civil revision petitions are liable to be dismissed. Accordingly, they are dismissed. No costs. The connected Miscellaneous Petitions are also dismissed.

21.07.2025.

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To

1. XIX Additional Judge,
City Civil Court, Chennai.
2. XV Judge,
Small Causes Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

Ssk.

P.D. ORDER IN
C.R.P.Nos.1285 & 1065 of 2025

Delivered on
21.07.2025.