



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 23.10.2025

Order pronounced on : 31.10.2025

CORAM

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

CRP.No.543 of 2018

& CMP.No.2904 of 2018

A.Gopi

... Petitioner

Vs.

P.Royappan (Died)

2.Duraisami

3.Gerald

... Respondents

*[Respondents 2 and 3 brought on record as LRs of the deceased sole respondent viz., P.Royappan vide order dated 09/11/2022 made in CMP.Nos.19151, 19153 & 19155 of 2022 in CRP.No.543 of 2018]*

**Prayer:** Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973, to set aside the fair and decretal order dated 10.01.2018 passed in R.C.A.No.508 of 2017 on the file of the IX Judge, Court of Small Causes, Chennai, in R.C.O.P.No.787 of 2014 dated 04.02.2017 on the file of the XIII Court of Small Causes, Chennai.



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For Petitioner : Mr.G.Thangavel

For Respondents : Mr.R.Rangarajan

### **ORDER**

The unsuccessful tenant, who has suffered concurrently before the Rent Controller as well as the Rent Control Appellate Authority, is the revision petitioner.

2.I have heard Mr.G.Thangavel, learned counsel for the petitioner and Mr.R.Rangarajan, learned counsel for the respondents 2 and 3.

3.The 1<sup>st</sup> respondent, during his lifetime, as landlord filed R.C.O.P.No.787 of 2014 for eviction of the revision petitioner/tenant on the grounds of own use and occupation for non-residential purposes and on the ground of denial of title. The case of the 1<sup>st</sup> respondent was that the revision petitioner is a tenant under him on a monthly rent of Rs.500/- and the revision petitioner has chosen to deny the 1<sup>st</sup> respondent's title, by filing a



suit in O.S.No.1104 of 2014. He has also stated that he is residing in a rented premises and he is in urgent need of the petition premises for his own use and occupation for residential purposes. The petitioner has been residing in a rented premises for the last 15 years and he bonafide intends to occupy his own property. The 1<sup>st</sup> respondent has also stated that he does not own any other property, other than the petition premises.

4.The said eviction petition was resisted by the revision petitioner stating that there is no landlord-tenant relationship between the revision petitioner and the 1<sup>st</sup> respondent and in the civil suit, that was filed for permanent injunction, the revision petitioner sought to restrain the 1<sup>st</sup> respondent from interfering with his peaceful possession and enjoyment.

5.According to the revision petitioner, he is the owner of the petition premises, by virtue of a sale agreement, having paid the entire sale consideration of Rs.4 lakhs to the 1<sup>st</sup> respondent on 12.01.2010 and that the 1<sup>st</sup> respondent has been refusing to execute the sale deed, despite having received the total sale consideration. The revision petitioner has further



stated that since the 1<sup>st</sup> respondent attempted to evict the revision petitioner otherwise than by due process of law, he was compelled to file O.S.No.1104 of 2014 and the civil Court has also granted an interim injunction, protecting his possession.

6.Before the Rent Controller, the 1<sup>st</sup> respondent examined himself as P.W.1 and marked Ex.P1 to Ex.P6 and on the side of the revision petitioner, he examined himself as R.W.1 and marked Ex.R1 to Ex.R6.

7.The Rent Controller found from the counter affidavit filed by the petitioner that he had admitted the fact that he was inducted as a tenant on 12.12.1992 on a monthly rent of Rs.500/- and entered the property only as a tenant and even though there may have been an agreement of sale on 10.03.2008, the same has not been substantiated by any oral or documentary evidence before the Rent Controller. The Rent Controller also found that even the order copy of the interim injunction granted, as claimed by the petitioner, was not marked as an exhibit. Resultantly, the Rent Controller found that the denial of the 1<sup>st</sup> respondent's title was not bonafide.



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8.As regards own use and occupation, the Rent Controller found that even though the 1<sup>st</sup> respondent wanted the tenanted premises for residential purposes, Section 10(3)(a)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, was incorrectly invoked, but no objection was taken by the revision petitioner in this regard and proceeded to consider the request under Section 10(3)(a)(i) of the Act. The Rent Controller found the requirement of the 1<sup>st</sup> respondent to be bonafide and ordered eviction even on the ground of own use and occupation.

9.Aggrieved by the order of eviction on both the grounds, the revision petitioner preferred R.C.A.No.508 of 2017 before the IX Court of Small Causes at Chennai. The Appellate Authority concurred with the findings rendered by the Rent Controller and dismissed the appeal, as against which the present revision has been filed.

10.Mr.G.Thangavel, learned counsel for the revision petitioner would submit that pending the revision, the 1<sup>st</sup> respondent died and the respondents



2 and 3 have been brought on record as his legal representatives. He would further submit that the Rent Controller as well as the Rent Control Appellate Authority have failed to appreciate the evidence on record that the parties were related to each other and there was an oral agreement between the revision petitioner and the 1<sup>st</sup> respondent for purchase of the tenanted premises for a total sale consideration of Rs.4 lakhs.

11.The learned counsel for the revision petitioner would contend that the petitioner has given details of exact dates, on which, various advances were paid in his oral evidence and the Courts below failed to see that when the parties were closely related, the petitioner could not have expected the 1<sup>st</sup> respondent to issue receipts for such payments. He would further state that the denial of title was certainly not malafide, since the petitioner even though came into the property as a tenant, subsequently ventured to purchase the property and had paid the entire sale consideration and only in such circumstances, the title of the 1<sup>st</sup> respondent had been denied. He would therefore contend that there was no malafide denial of title, warranting an order of eviction.



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12.As regards, the requirement of the 1<sup>st</sup> respondent for own use and occupation, the learned counsel for the revision petitioner would submit that the Courts below, having found that an incorrect provision of law, namely Section 10(3)(a)(iii) of the Act had been invoked, ought to have dismissed the eviction petition on the ground of own use and occupation, instead of proceedings to test the claim of the petitioner on merits. He would further state that the premises itself admeasures 268 sq.ft and the claim of the 1<sup>st</sup> respondent that he required the said premises for the occupation of himself, his sick wife and his son, who was to be married, was certainly not bonafide, as the property would be highly insufficient to accommodate all these persons. He would therefore pray for the revision being allowed.

13.Mr.R.Rangarajan, learned counsel for the respondents 2 and 3 would submit that both the Courts have rightly appreciated the oral and documentary evidence available on record and come to the conclusion that the denial of title of the 1<sup>st</sup> respondent is not bonafide and that the requirement for own use and occupation was bonafide. He would further



state that under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, the supervisory powers of this Court are very limited and this Court cannot sit as a Court of appeal and re-appreciate the evidence to come to any different conclusion, as long as there is no perversity or illegality in the findings arrived at by the Courts below concurrently. He would therefore pray for dismissal of the revision.

14.I have carefully considered the submissions advanced by the learned counsel for the parties.

15.The fact that the 1<sup>st</sup> respondent was the original owner of the petition premises is not in dispute. It is the case of the revision petitioner that he was inducted as a tenant under the 1<sup>st</sup> respondent on a monthly rent of Rs.500/-. However, denial of title has been taken as a plea, alleging that there has been an oral agreement of sale between the petitioner and the 1<sup>st</sup> respondent and that the 1<sup>st</sup> respondent has agreed to sell the property, namely the petition premises for a consideration of Rs.4 lakhs, which according to the revision petitioner, has been paid in full and therefore, the



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1<sup>st</sup> respondent has no right to seek eviction, invoking the provisions of the Rent Control Act.

16. According to the revision petitioner, the moment an oral agreement of sale was clinched, the jural relationship of the landlord-tenant ceases to exist. I am unable to countenance the argument of the learned counsel for the petitioner. Though the revision petitioner admits to have been inducted only as a tenant, the case of the revision petitioner is that there has been an oral agreement of sale, which has not seen the light of the day. The petitioner has not been able to substantiate the factum of any oral sale agreement clinched between the petitioner and the 1<sup>st</sup> respondent and also regarding any payments that have been made in furtherance of the same towards sale consideration. There is absolutely no material on record to show that the character of possession of the revision petitioner changed from that as a tenant to owner or an agreement holder in possession, in part performance.



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17.The Rent Controller and the Appellate Authority have rightly found that the revision petitioner has not substantiated any of his defences taken in the counter and held that the denial of the 1<sup>st</sup> respondent's title was not bonafide, entitling the 1<sup>st</sup> respondent to an order of eviction. I do not see any infirmity in the findings arrived by the Courts below.

18.Even with regard to the requirement of own use and occupation, excepting for mentioning a wrong provision of law, namely Section 10(3)(a)(iii) of the Act in the preamble portion of the RCOP, on a reading of the entire averments in the RCOP petition, I find that the specific case of the 1<sup>st</sup> respondent is that he required the petition premises only for residential purposes. In fact, the revision petitioner himself occupies the property only for residential purposes and merely because there is a misquoting of the provision of law, when the parties have understood their respective cases, the landlord cannot be non-suited, merely on account of mentioning a wrong provision of law.



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19. Even with regard to bonafides, the case of the 1<sup>st</sup> respondent has been established in evidence. The argument of the learned counsel for the revision petitioner that the petition premises is only 296 sq.ft in extent and it would be highly insufficient to accommodate the respondents and his family, though it appears fanciful, it is not for the 1<sup>st</sup> respondent to dictate as to choice and sufficiency of accommodation of the landlord. It is the discretion of the landlord to put to use his property, in any manner, he may deem fit and proper. The law on this point is fairly well settled and sufficiency and choice are matters that are left best to the discretion of the landlord and the tenant has no say in this matters.

20. The Rent Controller as well as the Appellate Authority have rightly applied the settled legal principles in finding that the requirement of the 1<sup>st</sup> respondent for own use and occupation was bonafide. I do not find any illegality or perversity in these findings warranting interference under Section 25 of the Act. There is no merit in the revision petition.



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21. In fine, the Civil Revision Petition dismissed. The petitioner shall vacate and hand over vacant possession to the respondents by 30.11.2025.

There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

31.10.2025

Neutral Citation: Yes/No  
Speaking Order/Non-speaking Order  
Index : Yes / No  
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To

- 1.The IX Judge, Court of Small Causes, Chennai.
- 2.The XIII Judge, Court of Small Causes, Chennai.



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**P.B. BALAJI,J.**

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Pre-delivery order made in  
CRP.No.543 of 2018  
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