



C.R.P. Nos.1606 & 1607 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	20.08.2025
Pronounced on	14.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P. Nos. 1606 and 1607 of 2021

Ramesh

...Petitioner in both CRPs

Vs.

N. Thahir Ahmed Sahib

... Respondent in C.R.P. No.1606/2021

E. Tamil Thendral

... Respondent in C.R.P. No.1607/2021

Prayer in C.R.P. No.1606 of 2021: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 against the judgment and decree dated 05.03.2021 passed in R.C.A. No.2 of 2018 on the file of the Subordinate Court, Vaniyambadi, Vellore District, confirming the order and decreetal order dated 10.04.2017 passed in R.C.O.P. No.31 of 2015, on the file of the Additional District Munsif Court, Vaniyambadi.

Prayer in C.R.P. No.1607 of 2021: Civil Revision Petition filed under Section 25 of the Tamil Nadu Building (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 against the judgment and decree dated 05.03.2021 passed in R.C.A. No.5 of 2018 on the file of the Subordinate Court, Vaniyambadi, Vellore District, in reversing the order and decreetal order dated 05.07.2018 passed in R.C.O.P. No.26 of 2015, on the file of the District Munsif Court, Vaniyambadi.



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For Appellant : Mr. K. Umar in both the petitions
For Respondent : Mr.PA. Sudesh Kumar
in both the petitions

COMMON ORDER

Challenging the judgment and decree dated 05.03.2021 passed in R.C.A No. 2 of 2018 confirming the order and decreetal order dated 10.04.2017 passed in R.C.O.P. No.31 of 2015 and, R.C.A. No. 5 of 2018 reversing the order and decreetal order dated 05.07.2018 passed in R.C.O.P. No.26 of 2015, on the file of the Subordinate Court, Vaniyambadi, Vellore District, the present Civil Revision Petitions are preferred.

2. R.C.O.P. No. 31 of 2015 was filed by the petitioner/tenant herein against the respondent in C.R.P. No.1606 of 2021 seeking permission to deposit the monthly rent of Rs.250/- before the Sub Court Vaniyambadi. R.C.O.P. No.26 of 2015 was filed by one E.Tamil Thendral / respondent in C.R.P. No.1607 of 2021 against the petitioner herein for eviction.



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WEB COPY 3. The case of the petitioner/tenant, namely Ramesh, in RCOP

No.31 of 2015 is that he is a tenant under the respondent namely N.Thahir Ahmed Sahib with the petition mentioned property since 11.06.2003. The father in law of the petitioner was tenant under the respondent since 1983. He got the electric connection and also running a saw mill. The petitioner has paid an advance amount to the tune of 6,20,000/- on various dates to the respondent between 2009 and 2014. Initially the petitioner paid a monthly rent of Rs.50/- and the same was enhanced to Rs.250/- in the year 2009 and the same was paid regularly. On 10.06.2015, the respondent demanded a further advance amount of Rs.5,00,000/- from the petitioner which was refused by him. Hence, the petitioner was threatened by the respondent to evict him from the shop premises. Hence, the petitioner was constrained to file a suit in O.S. No.113 of 2015 against the respondent for the grant of permanent injunction. On 18.09.2015, the petitioner sent a legal notice to the respondent calling upon him to furnish his bank details in order to deposit the monthly rent and the said legal notice was returned to the petitioner as "left without instruction". The petitioner has sent the

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September month's rent of Rs.250/- through money order on 23.10.2015.

But the respondent refused to receive the money order and the same has been returned. Hence he was constrained to file the present petition seeking permission to deposit the monthly rent of Rs.250/- before this Court.

3.1. The respondent filed a written statement stating that the petition mentioned property along with the cement sheet building originally belonged to him and his wife. One Shanmugam, the father in law of the petitioner was his close friend and he was the tenant under the respondent. After his death, the petitioner continued the saw mill business as tenant of the respondent. The respondent sold the petition mentioned property to one E.Tamil Thendral through a registered sale deed dated 15.07.2015 and also handed over the possession to her and the same was intimated to the petitioner and his tenancy was terminated with effect from 30.07.2015. From 01.08.2015 onwards, the petitioner is a tenant under the said E.Tamil Thendral. Hence, the respondent refused to receive the money order. Hence, prayed to dismiss the present petition.



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WEB COPY 3.2 After full contest, RCOP No.31/2015 filed by the petitioner/tenant herein was dismissed by the Rent Control Authority vide its order dated 10.04.2017 against which an appeal was filed in R.C.A. No.2 of 2018 by the petitioner and the same was also dismissed vide judgment and decree dated 05.03.2021.

4. The case of the petitioner, namely E. Tamil Thendral, in RCOP No.26 of 2015 is that the originally the petition mentioned property belonged to one M. Tahir Ahmed Sahib and his wife. The respondent namely Ramesh was a tenant under the said Tahir Ahmed. On 15.07.2015, the petitioner purchased the said property from the above landlord and the respondent was informed about the said sale on the same day itself and the tenancy in respect of the petition mentioned property between the respondent and the said Tahir Ahmed was terminated with effect from 30.07.2015. From 01.08.2015 onwards the respondent is a tenant under the petitioner on a monthly rent of Rs.4,000/-. The respondent did not pay any amount towards advance and failed to pay the monthly rent for the month of August and September



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2015 in spite of several demands. The petitioner further submits that the petition mentioned property is required for her own use. The respondent, without the consent of the petitioner, demolished the wall on the eastern side of the petition mentioned property and made construction also. The respondent already filed a suit against the petitioner and Thahir Ahmed before the District Munsif Court, Vaniyambadi, in O.S.No.113/2015 for the relief of injunction. Since the respondent failed to pay the rental arrears and also failed to vacate the petition mentioned property, the petitioner was constrained to file the present petition.

4.1. In the counter statement filed by the respondent it is stated that the respondent has paid huge advance amount to the original owner Tahir Ahmed and his wife and also spent money for the construction of the structure in the petition mentioned property and hence the original owner cannot create any document of transfer in favour of the petitioner. In order to avoid the repayment of advance amount and the construction cost, the said Tahir Ahmed colluded with the present petitioner in filing the present petition. Hence, prayed for dismissal of the petition.



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4.2. RCOP No.26/2015 filed by E.Tamil Thendral against G.Ramesh for eviction was dismissed by the Rent Control Authority vide its order and decretal order dated 05.07.2018 against which an appeal was filed in R.C.A No. 5 of 2018 before the Sub Court, Vaniyambadi. The learned Subordinate Judge, Vaniyambadi allowed the said appeal vide his judgment dated 05.03.2021.

5. Challenging the judgment and decree dated 05.03.2021 passed in R.C.A No. 2 of 2018 and R.C.A. No. 5 of 2018 on the file of the Subordinate Court, Vaniyambadi, Vellore District, the present Civil Revision Petitions are filed by the tenant G. Ramesh.

6. Heard Mr. K. Umar, learned counsel for the petitioner and Mr.PA. Sudesh Kumar, learned counsel for respondent.

7. It is not in dispute that the petition premises originally belonged to one Thahir Ahmed Sahib and his wife Ashraffunisa Begum under whom the petitioner in RCOP No.31/2015 was inducted as a tenant. The



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WEB COPY said original petition was filed by the petitioner/tenant under Section 8(5) of the Tamil Nadu Building (Lease and Rent Control) Act, 1960, for depositing the rents into Court. According to the petitioner/tenant, the respondent Thahir Ahmed refused to receive the rents, he was constrained to file above petition.

7.1. On the other hand, the contention of the respondent Thahir Ahmed is that he had sold the suit property to one Tamil Thendral under a registered sale deed dated 15.07.2015 and the same was informed to the petitioner/tenant. The further contention of the respondent is that the tenancy agreement between himself and the tenant was terminated with effect from 30.07.2015 and the same was also informed to the tenant. In spite of that, the petitioner/tenant has moved the above Original Petition which is liable to be dismissed.

7.2. The learned subordinate judge, Vaniyambadi, in RCA No.2/2018 and 5/2018 has observed that the Revision petitioner after receiving the communication under Ex.A1 notice about the purchase of

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the petition mentioned property by the respondent Tamil Thendral, failed to pay the monthly rents to him and concluded that the revision petitioner / tenant is not entitled to seek the remedy of depositing the monthly rents under Section 8(5) Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, and that he is liable to be evicted from the petition premises for committing willful default. It is not in dispute that Ex.A1 and Ex.A5 legal notices were sent by the erstwhile landlord namely, Thahir Ahmed Sahib, stating that he had sold the property to respondent Tamil Thendral under the sale deed dated 15.07.2015 and thereby directing the revision petitioner to pay the rents to the new landlord by terminating his tenancy with the revision petitioner from 30.07.2015. Even after receipt of the said notice, the revision petitioner failed to pay the rents to the respondent Tamil Thendral. On the other hand, the revision petitioner has filed a petition to deposit the rent before the Rent Controller. He had neither paid the rent to the respondent Tamil Thendral nor deposited the same. When a tenant files a petition to deposit rent while disputing the new owner's title in bad faith, the new owner / landlord has strong legal grounds to challenge the tenant's actions and

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pursue eviction. The law generally prohibits a tenant who entered the premises through a rental agreement from later challenging the landlord's title, especially in bad faith. Only when the new owner refuses to accept rent, a tenant can file a petition to deposit the rent into Court. But, in the present case, in spite of notice of execution of sale deed in favour of Tamil Thendral, the petitioner/tenant failed to recognize him as his landlord and pay the rent to him. In fact, in O.S.No.137 of 2015, the petitioner/tenant has questioned the validity of the sale deed dated 15.07.2015 executed by the erstwhile owner in favour of Tamil Thendral. It shows that the petitioner/tenant has deliberately decided not to accept the new owner as landlord and pay the rent to him. Once a tenant disputes or disclaims the landlord's ownership, the tenancy relationship comes to an end, and constructive possession is deemed to have ceased. Such denial of title amounts to forfeiture of tenancy rights, making eviction inevitable. The new owner also filed RCOP No.26/2015 for eviction on two grounds, namely, under willful default and for own use and occupation. Hence, the Rent Control Appellate Authority rightly held that the revision petitioner has willfully defaulted in payment of rent



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and that he is liable to be evicted. No perversity or infirmity is found in the above findings of the Rent Control Appellate Authority which warrants any interference by this court.

8. In the result,

- i. Both the Civil Revision Petitions are dismissed. No costs.
- ii. The judgments and decrees, dated 05.03.2021, passed in R.C.A No. 2 of 2018 and R.C.A. No. 5 of 2018 respectively on the file of the Subordinate Court, Vaniyambadi, Vellore District, are upheld.

14.11.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

To

1. The Subordinate Judge, Vaniyambadi, Vellore District.
2. The Additional District Munsif, Vaniyambadi.
3. The District Munsif, Vaniyambadi.
4. The Section Officer, VR Section, High Court, Madras.

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K.GOVINDARAJAN THILAKAVADI,J
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Pre delivery common order in
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