



C.R.P.No.2652 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2652 of 2025

and

C.M.P.No.14992 of 2025

1.Chintya
2.Prema Ajit

... Petitioners

Vs.

1.T.Rajendiran

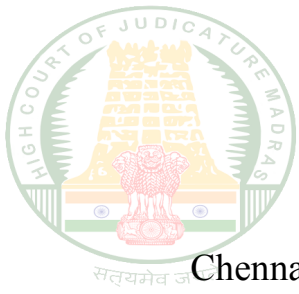
2.D.Manohar

3.M/s.Sudharshan Chits (India) Limited,
Represented by its Authorized Signatory
No.25, 2nd Floor, Sir Theagaraya Road,
T.Nagar,
Chennai – 600 017.

4.M/s.Sudarshan Trading Company,
No.25, 2nd Floor, Sir Theagaraya Road,
T.Nagar,
Chennai – 600 017.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 22.10.2024 in M.P.No.2 of 2024 in R.L.T.O.P.No.96 of 2024 on the file of the XV Small Causes Court,



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For Petitioners : Mr.S.Mukunth
Senior Counsel
for Mr.M.Ashwin Kumar

For R1 and R2 : Mr.K.Venkateswaran
for Mr.K.Manikandan

ORDER

Challenging the order passed by the learned XV Judge, Court of Small Causes, Chennai, in M.P.No.2 of 2024 in R.L.T.O.P.No.96 of 2024, dated 22.10.2024, dismissing the application to reject R.L.T.O.P.No.96 of 2024, the present revision has been filed.

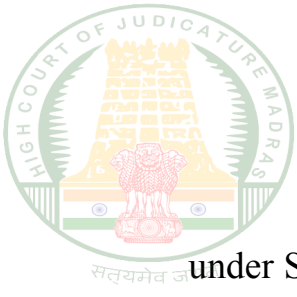
2.The respondents 1 and 2 have filed the petition in R.L.T.O.P.No.96 of 2024 for eviction of the petitioners and respondents 3 and 4 from the subject premises. It is the case of the respondents 1 and 2 that they are the executors of the Trust of Late Smt.Saradambal Srinivasan. The 3rd respondent was originally inducted as a tenant by one Shri D.Srinivasa Mudaliar and after his death, the property devolved on his wife Smt.Saradambal Srinivasan and thereafter, the 3rd respondent not only



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attorned tenancy in her favour, but had also been paying monthly rents to her. Smt.Saradambal Srinivasan bequeathed the subject property and other properties for charitable purposes vide her Last Will and Testament dated 19.08.1998 appointing the respondents 1 and 2 as executors to manage the subject property and appropriate the rental income thereof for charitable purposes. The said Will was duly probated by this Court in T.O.S.No.25 of 1994 by order dated 21.01.2020. Therefore, according to the respondents 1 and 2, they became entitled to receive and collect monthly rents from the tenants occupying the subject property. While so, it is the case of the respondents 1 and 2 that the 3rd respondent unauthorisedly sublet the subject premises to the petitioners. Despite the respondents 1 and 2 became the landlords of the subject premises, the petitioners did not come forward to pay the monthly rents to the respondents 1 and 2, nor expressed any willingness to enter into a written rental agreement as mandated under Section 4(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (hereinafter referred to as “TNRRLT Act” for brevity). Despite legal notice sent in this regard, the petitioners did not come forward to enter into a rental agreement in writing with the respondents 1 and 2. Therefore, the respondents 1 and 2 filed the petition



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under Section 21(2)(a) for eviction of petitioners from the subject property.

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3.In the said eviction petition, the petitioners have filed the present miscellaneous petition in M.P.No.2 of 2024 under Section 37(1)(j) of the TNRRRLT Act, 2017, to reject the petition in R.L.T.O.P.No.96 of 2024 on the ground that the respondents 1 and 2 are not the landlords within the purview of Section 2(c) of the TNRRRLT Act.

4.The said petition was contested by the respondents 1 and 2 stating that, as per the wishes of the testatrix Saradambal Srinivasan, a Trust has been created in the name of “Saradambal Srinivasan Mudaliar Charitable Trust” and the respondents 1 and 2 are the executors of the said Trust. Further, it is their contention that, as per the Will, the testatrix had given powers to the executors to evict the tenants, for increasing the monthly rent, and to conduct cases pertaining to tenants. Therefore, the respondents 1 and 2 refuted the contention of the petitioners that they are not the landlords of the subject premises.

5.The said miscellaneous petition was dismissed by the Rent



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Controller by order dated 22.10.2024, challenging which, the present revision has been filed.

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6.Learned Senior Counsel appearing for the revision petitioners/tenants would submit that, as per Section 2(6) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, even trustees or executors are construed to be landlords and they can also maintain a petition for eviction. Whereas, under the new TNRRRLT Act, 2017, amended vide Act 22 of 2019, the definition of “landlord” under Section 2(c) is not extended to trustees collecting rent on behalf of a Trust. It is his contention that the application itself is filed only in the individual capacity of the respondents 1 and 2, not on behalf of the Trust. Therefore, the application itself is not maintainable and is nothing but an abuse of process of law. The learned Senior Counsel would further submit that the new TNRRRLT Act itself is not applicable to the Trust properties as per Section 3 of the Act. Therefore, according to him, the very application is not maintainable.

7.Heard the learned counsel on either side and perused the materials



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available on record.

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8.The main ground on which the revision is filed is that the respondents 1 and 2 will not fall within the ambit of “landlord” as defined under Section 2(c) of the amended TNRRRLT Act.

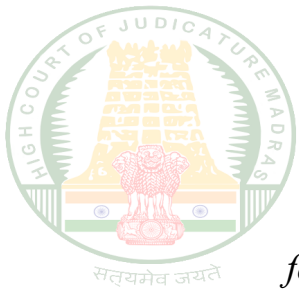
9.Section 2(6) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, defines “landlord” as follows :

*“2. ... (6) “**landlord**” includes the person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of another or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant.*

***Explanation** - A tenant who sub-lets shall be deemed to be a landlord within the meaning of this Act, in relation to the sub-tenant.”*

10.Pre-amendment, the original definition of “landlord” as per Section 2(c) of the Act was as follows :

*“2.Definitions : .. (c) “**landlord**” means a person who,*



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for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account, or on account of, or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver of any person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant, and shall include his successor-in-interest;”

11.After amendment vide Act 19 of 2022, Section 2(c) of the TNRRRLT Act defines “landlord” as follows :

“2. Definitions : .. (c) “landlord” *whether called landowner or lessor or by any other name, means a person who receives or is entitled to receive, the rent of any premises, on his own account, if the premises were let to a tenant, and shall include -*

- (i) his successor-in-interest;*
- (ii) a trustee or guardian or receiver receiving rent for any premises or is entitled to so receive, on account of or on behalf of or for the benefit of, any other person such as minor or person of unsound mind who cannot enter into a contract;”*

12.The above provisions make it clear that a trustee or guardian or

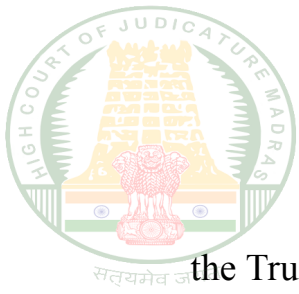


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receiver receiving rent for any premises or is entitled to so receive on account of or on behalf of or for the benefit of any other person such as minor or person of unsound mind who cannot enter into a contract, also comes within the ambit of landlord under the Act. Normally, a guardian will be appointed to a minor or a person of unsound mind. Trustee and receiver are in respect of properties of Trust. Therefore, the contention of the learned Senior Counsel that the definition of “landlord” will not extend to the trustees who are collecting or entitled to collect rent on behalf of the Trust, cannot be countenanced.

13. Though the rent control proceedings have been initiated by two individuals, the fact remains that they are the executors of the Trust. The Will of the testatrix appointing the respondents 1 and 2 as executors of the Trust has been probated by this Court by order dated 21.10.2020 in T.O.S.No.25 of 1994. Therefore, merely because the nomenclature in the cause title of the eviction application does not show them as trustees, it cannot be said that the applicants are not entitled to maintain the rent control proceedings for the benefit of the Trust. This Court is of the view that the very object of filing the eviction petition is only for the benefit of



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the Trust. Therefore, the tenants who are squatting on the property, without paying rent all these years, cannot raise such an objection at this stage.

14. Even trustees are appointed for private Temples. They are collecting rent on behalf of the Temple. It cannot be said that such trustees have no power to initiate proceedings as landlords under the TNRRRLT Act, 2017. If such a limited meaning to the word “landlord”, as argued by the learned Senior Counsel, is given, the very purpose of the definition of landlord under the Act will be defeated. A Temple or Idol is also a minor in legal parlance. Therefore, in that case, in a suit against or by the Temple, the Temple has to be represented by a trustee. Similar is the case of “guardian” in respect of minor or person of unsound mind. Similarly, a receiver appointed in respect of the temple properties or on behalf of any person of disability is also entitled to maintain the proceedings under TNRRRLT Act, 2017.

15. It is to be noted that, though the cause title of the eviction application does not show the applicants as trustees or executors, the fact remains that they filed rent control proceedings as executors of the Trust Estate of Late Saradambal Srinivasan. It is relevant to note that the age old



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concept of a landlord, not necessarily being the owner, remains intact throughout. The definition of “landlord” in old, pre-amended as well as post-amended Acts would clearly indicate that the landlord is a person who is collecting or entitled to collect rent for the tenanted premises. Further, post amendment vide Act 19 of 2022, the definition includes even successors-in-interest of the landlord and also a trustee or guardian or even a receiver who receives rent for the tenanted premises on behalf of or for the benefit of any other person. A Trust has to be represented only by the Trustee. The Trust itself, without there being a trustee, cannot receive any rent. Such being the position, the narrow interpretation of the definition of “landlord” sought to be placed before this Court, if accepted, will defeat the very object of the definition clause itself. The definition, being wide and also inclusive, does not exclude a person whose authority to deal with the premises has never been disputed. As already indicated, the application itself is filed by the respondents 1 and 2 only for the benefit of the Trust. The Will under which the respondents 1 and 2 were appointed as executors, was also probated by this Court by order dated 21.10.2020 in T.O.S.No.25 of 1994. Therefore, the authority of the respondents 1 and 2 to deal with the subject premises cannot be disputed. In such view of the matter, now it

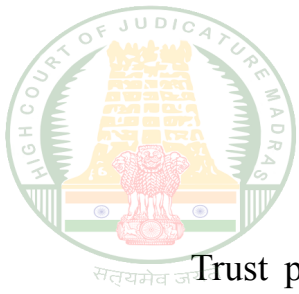


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cannot be said that rent control proceedings cannot be maintained by such persons on behalf of the Trust. The purpose of appointing executor is only to administer the properties of the Trust, in person. The executor derives title from the Will after the death of the testator. After the death of the testator, the property vests with the executor and the probate also authenticates his right. This Court, in ***Shanmugam Balakumar & another v. P.Elizabeth [C.R.P.(PD).Nos.976 and 977 of 2020, dated 14.07.2020]*** has held that “as per Sub Sec.(c) of Sec.2 of the Act, a person for the time being receiving or is entitled to receive on his own account or on behalf of or for any other person in various other capabilities is defined as a Landlord. Therefore, whoever has the power or authorised by owner of the property shall be construed as a Landlord.” Such being the position, now it cannot be said that the respondents 1 and 2 cannot be considered as landlord. The tenants squatting over the property all these years cannot non-suit the respondents 1 and 2 in a petition filed for eviction merely on technical grounds.

16.The other contention raised by the learned Senior Counsel for the petitioners is that the TNRRRLT Act, 2017, is not applicable to the subject



Trust properties. Much reliance is also placed on Section 3 of the Act.

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Section 3 of the TNRRRLT Act, 2017, reads as follows :

“3. Act not to apply to certain premises - Nothing in this Act shall apply to—

(a) any premises owned or promoted by the Central or State Government or Local Authority or a Government undertaking or enterprise or a statutory body or cantonment board;

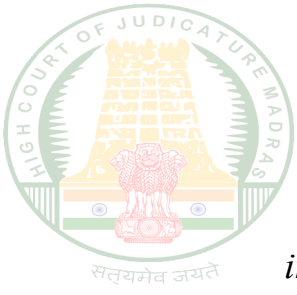
(b) premises owned by a company, university or organization given on rent to its employees as part of service contract;

(c) any premises owned by religious or charitable institutions as may be specified by the Government, by notification;

(d) any premises owned by Waqf registered under the Waqf Act, 1995 (Central Act 43 of 1995) or to any trust registered under the Indian Trusts Act, 1882 (Central Act II of 1882);

(e) any other building or category of buildings specifically exempted in public interest by the Government, by notification:

Provided that any owner of the premises falling under clauses (a) to (d) wishes that the tenancy agreement entered



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into by them be regulated under the provisions of this Act, they may inform the Rent Authority of their desire to do so at the time of information of the tenancy agreement under section 4 of this Act.”

17.In order to apply the bar of the Act as per under Section 3 of the Act, it must be shown that the Government have passed a notification exempting the particular property of the religious and charitable institution/trust from the purview of the Act namely the TNRRRLT Act, 2017. However, no such notification has been passed exempting the subject property from the purview of the Act. Hence, on that ground also, the revision has to fail.

18.Therefore, I do not find any merit in this revision. Accordingly, this Civil Revision Petition is dismissed.

19.The Rent Controller is directed to dispose of R.L.T.O.P.No.96 of 2024, on merits and in accordance with law, as expeditiously as possible, particularly within the time frame stipulated under the Act. No costs. Consequently, connected miscellaneous petition is closed.



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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The XV Judge,
Court of Small Causes,
Chennai.

2.The Section Officer,
VR Section,
High Court, Madras.



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