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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05..08..2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.Nos.2731, 2759, 2761, 2762, 2739 & 2740 of 2025
and
C.M.P.Nos.15429, 15633, 15637, 15642, 15465 & 15470 of 2025

C.R.P.No.2731 of 2025:

Parthiban ..... Petitioner

-Versus-

1.A.P.Govindasamynathan
2.A.P.Arunkumar
3.Mrs.Sakunthala

Kalaialagan (Died)

4.Mrs.Kalaivani
5.Mrs.Valarmathi
6.Devaraj
7.Mrs.Kalaichelvi ..... Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to set aside the judgement and decree dated 14.02.2025 made in R.C.A.No.41 of 2024 on the file of the learned VIII Judge, (Rent Control Appellate Authority) Court of Small Court, Chennai, confirming the order and decree dated 02.04.2024 made in R.C.O.P.No.650 of 2017 on the file of the learned XI Judge, (Rent Controller), Court of Small Causes, Chennai.

C.R.P.No.2731 of 2025

For Petitioner : Mr.P.Ganesh

For Respondent(s) : Mr.S.William for RR1 & 2

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C.R.P.No.2759 of 2025:

A.Thangamani

..... Petitioner

-versus-

1.A.P.Govindasamynathan

2.A.P.Arunkumar

..... Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to set aside the judgement and decree dated 14.02.2025 made in R.C.A.No.39 of 2024 on the file of the learned VIII Judge, (Rent Control Appellate Authority) Court of Small Court, Chennai, confirming the order and decree dated 02.04.2024 made in R.C.O.P.No.645 of 2017 on the file of the learned XI Judge, (Rent Controller), Court of Small Causes, Chennai.

C.R.P.No.2759 of 2025

For Petitioner : Mr.K.P.Ashok

For Respondent(s) : Mr.S.William for RR1 & 2

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C.R.P.No.2761 of 2025:

A.Thangamani

..... Petitioner

-Versus-

1.A.P.Govindasamynathan
2.A.P.Arunkumar

..... Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to set aside the judgement and decree dated 14.02.2025 made in R.C.A.No.40 of 2024 on the file of the learned VIII Judge, (Rent Control Appellate Authority) Court of Small Court, Chennai, confirming the order and decree dated 02.04.2024 made in R.C.O.P.No.652 of 2017 on the file of the learned XI Judge, (Rent Controller), Court of Small Causes, Chennai.

C.R.P.No.2761 of 2025

For Petitioner : Mr.K.P.Ashok

For Respondent(s) : Mr.S.William for RR1 & 2

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C.R.P.No.2762 of 2025:

A.Thangamani

..... Petitioner

-Versus-

1.A.P.Govindasamynathan

2.A.P.Arunkumar

3.Raj Tours,
Rep. by its Proprietor Mr.Raj @ Raju
Shop No.2, Door No.51, Venkatnarayana Road,
T.Nagar, Chennai 600 017.

..... Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to set aside the judgement and decree dated 14.02.2025 made in R.C.A.No.45 of 2024 on the file of the learned VIII Judge, (Rent Control Appellate Authority) Court of Small Court, Chennai, confirming the order and decree dated 02.04.2024 made in R.C.O.P.No.646 of 2017 on the file of the learned XI Judge, (Rent Controller), Court of Small Causes, Chennai.

C.R.P.No.2762 of 2025

For Petitioner : Mr.K.P.Ashok

For Respondent(s) : Mr.S.William for RR1 & 2

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C.R.P.No.2739 of 2025:

1.Chellakani

2.Venkatesh

3.Kumara Raja

4.Balaji

..... Petitioner

-Versus-

1.A.P.Govindasamynathan

2.A.P.Arunkumar

..... Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to set aside the judgement and decree dated 14.02.2025 made in R.C.A.No.137 of 2024 on the file of the learned VIII Judge, (Rent Control Appellate Authority) Court of Small Court, Chennai, confirming the order and decree dated 02.04.2024 made in R.C.O.P.No.648 of 2017 on the file of the learned XI Judge, (Rent Controller), Court of Small Causes, Chennai.

C.R.P.No.2739 of 2025

For Petitioner(s) : *Mr.K.V.Sundararajan*

For Respondent(s) : *Mr.S.William for RR1 & 2*

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C.R.P.No.2740 of 2025:

K. Narayanasamy (Died)

N. Swaminathan

..... Petitioner

-Versus-

1. A.P. Govindasamynathan
2. A.P. Arunkumar

N. Jaya (Died)

3. N. Usha
4. N. Uma
5. N. Balaji

..... Respondents

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, praying to set aside the judgement and decree dated 14.02.2025 made in R.C.A.No.38 of 2024 on the file of the learned VIII Judge, (Rent Control Appellate Authority) Court of Small Court, Chennai, confirming the order and decree dated 02.04.2024 made in R.C.O.P.No.649 of 2017 on the file of the learned XI Judge, (Rent Controller), Court of Small Causes, Chennai.

C.R.P.No.2740 of 2025

For Petitioner(s) : *Mr.K.V.Sundararajan*

For Respondent(s) : *Mr.S.William for RR1 & 2*

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COMMON ORDER

These revision petitions are directed against the concurrent findings of the Rent Court and the Rent Tribunal ordering eviction of the tenants at the instance of the landlords, A.P. Govindasamynathan and A.P. Arunkumar, who are respondents 1 and 2, respectively. The tenants are Parthiban (C.R.P. No. 2731 of 2025), A. Thangamani (C.R.P. Nos. 2759, 2761, and 2762 of 2025), Chennakani (C.R.P. No. 2739 of 2025), and K. Naranasamy (deceased), represented by N. Swaminathan (C.R.P. No. 2740 of 2025).

2. The respondents 1 and 2, the landlords of the respective schedule-mentioned non-residential premises, have instituted eviction petitions under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking eviction of the revision petitioners/tenants on the ground of bona fide demolition and reconstruction.

3. In R.C.O.P. Nos. 650, 645, 652, and 646 of 2017, the respective tenants were in occupation at a contractual rent of Rs.1,000/- per month. In earlier proceedings for fixation of fair rent (R.C.O.P. Nos. 1976 to 1979 of 2002), the fair rent was fixed in the range of Rs.5,083/- to Rs.5,347/- per

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month. Appeals against the said orders were dismissed in some cases and remain pending in others, but without any order of stay. The landlords allege that the tenants are liable to pay the difference, which remains unpaid. In R.C.O.P. No. 646 of 2017, an additional allegation of sub-letting without written consent was made. The landlords contend that the buildings, aged about 55 years, have developed cracks, are in a dilapidated condition, and require immediate demolition and reconstruction. Situated in a prime locality, the properties have considerable potential for augmentation of income. The landlords assert that they have sufficient means, intend to obtain sanctioned plans, and undertake to complete demolition and reconstruction within three months of obtaining vacant possession. Legal notices dated 07.03.2017 were issued; replies were either not sent, denied receipt, or contained denials of liability.

4. The tenants in these petitions uniformly deny the allegations, asserting that the buildings are structurally sound and not old or dilapidated. They allege that the petitions are mala fide, intended to secure possession for re-letting at higher rents or resale. It is contended that the landlords have failed to maintain the properties, did not mention any dilapidation in the earlier fair rent proceedings, and lack the financial resources or necessary approvals for the

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proposed works. They further state that reconstruction is impractical due to waterlogging, the low-lying nature of the site, and setback requirements, which would reduce the buildable area. In R.C.O.P. No. 646 of 2017, the allegation of sub-letting is specifically denied. The tenants assert that eviction would cause irreparable hardship and seek dismissal of the petitions.

5. In R.C.O.P. No. 649 of 2017, the revision petitioner was a tenant at a monthly rent of Rs.1,000/-. In R.C.O.P. No. 1980 of 2002, the fair rent was fixed at Rs.5,083/- per month and confirmed in appeal; a Civil Revision Petition is pending. The landlords allege that the premises, aged about 55 years, is in a dilapidated condition with cracks, located in a prime locality, and required for bona fide demolition and reconstruction to augment income. They claim to have the means to undertake the project, intend to obtain a sanctioned plan, and undertake to complete the works within three months of vacant possession. A legal notice dated 07.03.2017 was returned unserved. During the proceedings, the first respondent died on 03.06.2018, and respondents 2 to 6 were brought on record as legal representatives.

6. The tenant in R.C.O.P. No. 649 admits the tenancy and the fair rent fixation but contends that setback requirements would reduce the buildable

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area, making sanction difficult, and that no steps have been taken for approval. It is alleged that the petition is intended to obtain possession for letting to third parties at higher rent; the landlords lack means and the requirement is not genuine, as the building is neither old nor unfit. The fifth respondent specifically asserts that the premises form part of a row of ground-floor shops in good condition, with no necessity for demolition, and alleges that the landlords attempted digging operations to weaken the structure but were prevented. It is further pleaded that the business conducted there is the sole livelihood of the respondents, and eviction would cause hardship.

7. In R.C.O.P. No. 648 of 2017, the tenants were in occupation of the schedule-mentioned non-residential premises at Rs.1,250/- per month. In R.C.O.P. No. 1981 of 2002, the fair rent was fixed at Rs.5,083/- per month; the appeal was dismissed, and a Civil Revision Petition is pending. The landlords allege that the premises, aged about 55 years, is outdated, with cracks and in a dilapidated condition, located in a prime commercial area. They claim bona fide requirement for demolition and reconstruction to augment income, assert sufficient means, and undertake to complete the works within three months of obtaining possession. A legal notice dated 07.03.2017 was returned unserved.

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8. The tenants in R.C.O.P. No. 648 admit the tenancy history and pendency of the Civil Revision Petition, stating that rent is being paid as per High Court directions. They deny structural deterioration, asserting that the building is neither old nor unfit and that there are no cracks. They allege that the landlords have not applied for building plan sanction and that compliance with Development Rules, including setback requirements, would reduce the buildable area, making sanction doubtful. They contend that the true motive is to let the premises to third parties at higher rents, that the landlords lack means, and that the requirement is not genuine. They also deny the validity of the pre-suit notice and claim that the existing premises yields maximum benefit, whereas the proposed reconstruction would not substantially increase income.

9. The parties adduced oral and documentary evidence on their respective sides. In R.C.O.P. Nos. 645, 646, 650, and 652 of 2017, a common judgment was rendered directing eviction of the tenants. In R.C.O.P. Nos. 648 and 649 of 2017, evidence was recorded separately, and the Rent Court passed two separate judgements, each directing eviction of the respective tenants. Challenging the common order of eviction dated 14.02.2024, the individual tenants preferred Rent Control Appeals in R.C.A. Nos. 39, 41, 40, and 45 of 2024, respectively; and challenging the individual orders of eviction, the

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tenants in R.C.O.P. Nos. 648 and 649 of 2017 preferred R.C.A. Nos. 37 and 38 of 2024, respectively. The Rent Control Appellate Authority, by a common judgement dated 14.02.2025, dismissed the appeals in R.C.A. Nos. 39, 40, 41, and 45 of 2024, and by two separate judgments of the same date, dismissed R.C.A. Nos. 37 and 38 of 2024. Hence, the present revision petitions.

10. This court has heard both sides.

11. The submissions advanced on behalf of the tenants before this Court were two-fold. Firstly, it was contended that no consent had been obtained from the co-owner for the demolition and reconstruction of the tenanted premises. Secondly, it was urged that, as fair rent had already been fixed for the building in earlier proceedings, there was no bona fide on the part of the landlords in seeking possession for demolition and reconstruction. It was further submitted that no planning permission had been obtained or produced during trial, that demolition of the existing building was impracticable, and that the ongoing metro rail project in the locality rendered such reconstruction unfeasible.

12. In support of their contentions, learned counsel for the respective

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tenants placed reliance upon the judgements of the Hon'ble Supreme Court in *Harrington House School v. S.M. Ispahani and Another* [(2002) 5 SCC 229], *R.V.E. Venkatachala Gounder v. Venkatesha Gupta and Others* [(2002) 4 SCC 437], and the judgment of this Court in *K.S. Ramu (Died) through L.Rs. v. Mrs. Rukmani Sundaram* [C.R.P. (NPD) No. 351 of 2000, dated 15.06.2004].

13. Per contra, The learned counsel for the landlords contended that the properties in question had already been settled in favour of respondents 1 and 2. Even assuming the existence of other co-owners with rights over the properties, such circumstance would not constitute a valid defence to resist eviction, as any dispute in that regard is a matter inter se between the owners. It was emphasised that, in the absence of any objection from a co-owner to the proposed demolition, the tenants have no locus standi to oppose the landlords' repossession of the tenanted premises.

14. The learned counsel for the landlords further contended that the age and condition of the buildings, being more than 55 years old and exhibiting visible cracks, necessitated immediate demolition. The landlords asserted that they possessed adequate financial resources and were prepared to obtain sanctioned building plans upon securing vacant possession, undertaking to

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complete the demolition and reconstruction within the statutory period. It was also submitted that such sanctioned plan could be produced even at the stage of execution of the eviction order, and that the absence of the plan at trial was not fatal to the landlords' case. Consent from a co-owner, it was argued, was neither legally required nor a bar to the proceedings, the eviction petitions having been instituted by persons with the requisite locus standi. The fixation of fair rent in earlier proceedings, it was submitted, did not preclude the landlords from subsequently seeking eviction on the ground of demolition and reconstruction. Allegations regarding the impossibility of demolition, the absence of planning permission during the trial, and the alleged impediment posed by the metro rail project in the area were denied as unfounded and speculative.

15. The learned counsel for the landlords lastly submitted that when the evidence on record unequivocally establishes that the building is old, structurally dilapidated, and has developed several cracks, the bona fides of the landlords in seeking eviction stand beyond challenge. It was further contended that the earlier fixation of fair rent pursuant to fair rent proceedings does not, in any manner, operate as a legal bar to the landlords subsequently invoking any of the statutory grounds for eviction available under the Act.

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16. This court has considered the rival submissions and also perused records carefully.

17. The jurisdiction of this Court under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, is essentially supervisory in nature. It is not akin to an appellate jurisdiction enabling a re-appreciation of evidence or substitution of findings merely because another view is possible. Interference is warranted only where the findings of the authorities below suffer from illegality, material irregularity, patent perversity, or manifest error of law resulting in miscarriage of justice. So long as the concurrent findings of fact are supported by legally admissible evidence and are neither arbitrary nor perverse, the revisional court will refrain from disturbing them. The revisional power is intended to ensure that the subordinate authorities have exercised their jurisdiction properly, in accordance with law, and without committing jurisdictional errors.

18. Upon an analysis of the evidence on record, both the Rent Controller and the Rent Control Appellate Authority concurrently concluded that the building in question is more than 50 years old. In fact, the respective tenants have admitted that the building is over 70 years of age. The age of the building

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is, therefore, not in dispute. The evidence of the Engineer, along with his reports, clearly substantiates the landlords' claim that the structure is more than 70 years old and requires immediate demolition.

19. It is now well settled that, for the purposes of seeking eviction under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, it is not necessary that the building be in dilapidated condition as to be on the verge of collapse or in a dangerously dilapidated condition. Likewise, in determining whether the landlord bona fide requires the tenanted premises for demolition and reconstruction, the relevant consideration is whether the landlord possesses adequate means and the capability to raise the requisite funds for the proposed construction. These aspects have been duly examined by the authorities below, who, on the basis of the evidence, found that the landlords have the financial capacity and means to reconstruct the building. The landlords have also furnished, in the eviction petitions themselves, the statutory undertaking to carry out the reconstruction. Evidence has been adduced to show that the landlords have applied for a building permit for the proposed works. Although such permit was not produced during the trial, it remains a settled position that the same may be produced even at the stage of

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execution of the decree. **[Harington House School v. S.M.Ispahani [(2002) 5 SCC 229]**.

20. It is also an admitted fact that the building is situated in a prime commercial locality of the city, where business activities are intense and the potential for commercial utilisation is high. The landlords are, therefore, well within their rights to demolish the existing structure and put up a modern construction to augment their income, and such a course of action cannot be denied at the instance of the tenant(s).

21. As regards the contention that the consent of a co-owner had not been obtained, it is pertinent to note that the very existence of any co-ownership right was not established. Much emphasis was placed on the admission of P.W.2 that he had not obtained any objection from his sister. However, it was neither pleaded nor proved by the tenants that the landlords' sister had any share in the property or that she had raised any objection to the proposed demolition and reconstruction. In the absence of such pleadings and supporting evidence, a stray admission made in the course of cross-examination cannot, by itself, give rise to an assumption of objection from a co-owner. Therefore, the tenants cannot take advantage of such an isolated

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statement made by one of the landlords while deposing as a witness, that no consent from his sister was obtained for the proposed demolition and reconstruction.

22. The judgements heavily relied upon by the learned counsel for the tenants are, in the considered view of this Court, clearly distinguishable on facts and, therefore, have no application to the present case. The principles laid down therein were rendered in the backdrop of materially different factual grunds, particularly concerning the nature of the landlord's requirement, the condition of the building, and the existence of disputes inter se between co-owners. In the present matter, the evidence on record establishes beyond doubt that the building is more than 70 years old, situated in a prime commercial locality, and requires immediate demolition and reconstruction. The bona fides of the landlords have been concurrently upheld by both the Rent Controller and the Appellate Authority. Further, there is no substantiated plea or proof of any co-owner's objection. In view of these distinct factual circumstances, the reliance placed on the above precedents by the tenants is misplaced and of no assistance to their case.

23. It is also settled that there is no rigid or straight-jacket formula as to

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the precise age a building must attain before demolition and reconstruction can be sought. Equally, it is not a legal requirement that the building must be in a dilapidated condition to justify eviction on this ground. The law recognises that a landlord is entitled to repossess premises for demolition and reconstruction even to put up a better structure, either to augment income or to secure more convenient accommodation for himself.

23. In light of the settled legal position and upon an overall consideration of the findings of the authorities below, this Court finds that the evidence has been rightly appreciated and that there is no error apparent or perversity in the conclusions arrived at. Sitting in revision, this Court is therefore of the view that no interference is warranted.

In the result, the civil revision petitions are dismissed. No costs. Consequently, the connected CMPs stand closed.

Index : yes / no 05..08..2025
Neutral Citation : yes / no
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To
1.The Rent Tribunal (VIII Judge, Court of Small Causes), Chennai.
2.The Rent Court (XI Judge, Court of Small Causes), Chennai.

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N.SATHISH KUMAR.J.,

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Civil Revision Petitions
Nos.2731, 2759, 2761, 2762,
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