



CRP.Nos.3425 of 2024 & 3907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.Nos.3425 of 2024 & 3907 of 2025

and

CMP.Nos.18542 of 2024 & 20549 of 2025

1. Managing Director,
Tamil Nadu Handloom Weaver Co-operative Society Limited,
Pantheon Road, Egmore, Chennai.
2. Regional Manager,
Tamil Nadu Handloom Weaver Co-operative Society Limited,
Melmonavur, Bangalore Road,
Opp. to Government ITI, Vellore.
3. The Branch Manager,
Kamakshi Co-optex,
No.182, Gandhi Road,
Kanchipuram.

...Petitioners in both petitions

Vs.

Kancheepuram Hodgsonpet Dhanarakshaka Nidhi Limited,
Rep. by its President, S.P.Swaminathan,

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Having office at No.182, Gandhi Road,
Kanchipuram.

*(Amended, vide order dated 18.08.2025
made in CRP.No.3425 of 2024.)* ...Respondent in both petitions

Prayer in CRP.No.3425 of 2024: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 Civil Procedure Code, to set aside the Fair and Decretal order dated 27.02.2024 passed in RCA.No.6 of 2019 by the Rent Control Appellate Authority/Addl. Subordinate Judge, Kanchipuram, confirming the Judgment and Decree passed by the Rent Controller/Principal District Munsif Court, Kanchipuram in RCOP.No.6 of 2014 dated 06.06.2019 and allow the above said CRP.

Prayer in CRP.No.3907 of 2025: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 13.09.2023 passed in E.A.No.7 of 2022 in E.P.No.115 of 2014 by the Principal District Munsif Court, Kanchipuram and allow the present CRP.

In both petitions:



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For Petitioners : Mr.P.Radha Krishnan and
Mr.S.P.Vijayaragavan

For Respondent : Mr.R.Mubarak Basha

COMMON ORDER

Civil Revision petition in CRP.No.3425 of 2025 has been filed against the order dated 27.02.2024 passed in R.C.A.No.6 of 2019, confirming the eviction order dated 06.06.2019 passed in RCOP.No.6 of 2014. Whereas, the civil revision petition in CRP.No.3907 of 2025 arises out of the proceedings taken in E.P.No.115 of 2014 before the Principal District Munsif Court, Kancheepuram, for executing the order of eviction in favour of the respondent.

2. The tenants are the revision petitioners in both these revision petitions.



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3. In view of the above, it would suffice to dispose of CRP.No.3425 of 2024 first and the result of the said revision would have a direct bearing on CRP.No.3907 of 2025.

4. For brevity, the petitioners in both the revisions are hereinafter referred to as the 'tenants' and the respondent in both the revisions is hereinafter referred to as the 'landlord'.

5. The respondent/landlord filed a petition under section 14(1)(b) of the Rent Control Act for *bona fide* purposes of demolition and reconstruction of the subject premises. The landlord inducted the tenants on a monthly rent of Rs.13,000/-. The tenancy with the tenants came to an end on 31.12.2003 and thereafter, it was not renewed. The landlord had earlier filed RCOP.No.6 of 2004 for fixation of fair rent and fair rent has already been fixed and the tenants have started paying the fair rent.

According to the landlord, the subject premises is more than 100 years



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old and it is situated at the heart of the town and he has decided to demolish the same and put up a new multi-storey construction, with modern amenities, with a view to augment his income. According to the landlord, the requirement of the subject premises is *bona fide* and immediate. The landlord had also given an undertaking that he would commence the work of demolition of the building substantially, within a period of one month and complete the same within a period of three months from the date of recovering the possession of the premises from the tenants. The said request for eviction on the ground of demolition and reconstruction was resisted by the tenants, contending that though the tenancy is admitted, the building is in good and habitable condition and it does not require immediate demolition and reconstruction. It is also contended that the tenants have been carrying out periodical repairs and the building is in good condition and it does not require demolition at all.

6. The Rent Controller, after conducting due enquiry and recording



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the evidence of the parties as well as placing reliance on the report of the

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Advocate Commissioner and also the rough sketch of the Commissioner marked as Ex.C1 and C2, rendered a finding that the requirement of the landlord is *bona fide* and proceeded to order eviction.

7. The order of eviction passed by the Rent Controller was challenged before the Appellate Authority in RCA.No.6 of 2019 and the Appellate authority, concurred with the findings of the Rent Controller and dismissed the appeal.

8. Learned counsel for the tenants would mainly attack the very maintainability of the eviction petition filed under section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (in short 'Act'). According to the learned counsel for the tenants there is an exception carved out by way of section 14(5), which is extracted for easy reference:-

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“ (5) Nothing in this section shall entitle any landlord of a building in respect of which the Government shall be deemed to be the tenant to make any application under this section.”

9. He would therefore contend that section 14 itself could not have been invoked in the first place and inviting my attention to section 12 of the Act, the learned counsel for the tenants submitted that when there is a specific provision that is available under the Act to enable the landlord to recover the premises let out to the tenant, which is the Government, the only course open to the landlord would have been to invoke Section 12 and not Section 14 of the Act. Learned counsel for the tenants also relied on the decisions of the Hon'ble Apex Court in the case of ***Ramchandra Keshav Adke (Dead) by LRs. and Others Vs. Govind Joti Chavare and others***, reported in (1973) 1 SCC 559 and ***Tata Chemical Limited Vs.***



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Commissioner of Customs (Preventive), Jamnagar, reported in (2015) 11

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SCC 628.

10. It is therefore the primordial contention of the learned counsel for the tenants that when the eviction petition itself is not maintainable, the Rent Controller as well as the Appellate Authority have clearly erred in ordering eviction, and he would therefore pray for the revisions being allowed.

11. Per contra, the learned counsel for the respondent/landlord would submit that the tenants have not taken the plea of maintainability of the RCOP before the Rent Controller, ie., at the earliest instance, and having participated in the proceedings, they are now estopped from contending that the RCOP is not maintainable. That apart, the learned counsel, referring to the grounds of the revisions, would invite my attention to the denial of relationship of landlord and tenant which has



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been raised in the revision and he would therefore contend that this Court

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suo motu, can take cognizance of such denial and by invoking Section 10(2)(vii) of the Act, can order eviction. Learned counsel would further state that the tenants, despite suffering a fair rent order, pending the proceedings, which has also become final, committed default in payment of rents and only pursuant to the interim directions issued by this Court in this revision, the tenants paid the entire arrears of rent. Learned counsel would therefore, submit that the tenants who are bound to pay rents every month, having committed default in payment of rents, even pending proceedings before this court and should be held guilty of wilful default and such subsequent conduct of the tenants should be taken note of and eviction should be ordered. In support of his contention, the learned counsel for the landlord relied on the following decisions:-

(i) *C.Shanmughavel Vs. The Post Master, West Post Office, Naicker New St., Dindigul*, reported in *Volume 93-L.W.301*;

(ii) *M.S.Premchand Vs. K.Karuppiah Nadar and others*, reported in



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1993-3-L.W.562;

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(iii) *A.1392 Batlagundu Co-operative Stores, Rep. By its Special*

Officer Vs. K.S.A.Mohammed Yousuf, reported in 2004 (4) CTC 15;

(iv) *K.Muthu Vs. A.Mohamed Yusuf Khan and others*, reported in

(2008) 1 LW 283 and;

(v) *Uma Vs. K.Purushothaman*, reported in 2025 SCC Online Mad

219.

12. Learned counsel for the landlord would further submit that the denial is amplified by the very fact that the tenants have been carrying out extensive construction activities in the property and is an attempt to usurp the right to property of the landlord. He would therefore state that, considering the default committed by the tenants, pending the proceedings before this Court and also the denial of relationship of landlord and tenant, at least on these grounds eviction should be ordered, by taking note of the subsequent conduct and events that have conspired,



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pending the revisions.

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13. Insofar as the maintainability of the eviction petition, the learned counsel would submit that as held by this Court in the case of *C.Shanmughavel Vs. The Post Master* (supra), despite an objection being taken regarding applicability of Section 12 of the Act, this Court has proceeded to confirm the order of eviction. He would therefore submit that in this case, no interference is warranted in this revision, especially under section 25 of the Act, where revisional powers are limited.

14. I have heard the learned counsel on either side and I have gone through the materials placed before me as well as the order of the Rent Controller and the Appellate Authority.

15. The main point for consideration that arises in these revisions is



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whether the original petition filed under section 14(1)(b) of the Tamil

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Nadu Buildings (Lease and Rent Control) Act, 1960 is maintainable in law?

16. No doubt, this specific objection has not been raised by the tenants at any point of time, either during the proceedings before the Rent Controller or pending the appeal before the Appellate Authority. This point has been raised for the first time before this Court in these revisions. However, since the issue pertains to maintainability of the revisions itself and it is a pure question of law, I do not see how the tenants are estopped from taking this plea of maintainability of the eviction petition for first time at the stage of revision.

17. Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 provides for a landlord to seek eviction of the rented



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premises for *bona fide* purpose of demolition and reconstruction.

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However, Section 14(5) is an exception to landlords invoking Section 14 of the Act, where the Government is deemed to be a tenant. This is, in view of the fact that a specific provision under section 12 of the said Act has been carved out to deal with cases where the Government is deemed to be a tenant.

18. It is not in dispute that the tenant in this case is a Government undertaking and therefore, the applicability of provision for the requirement of the premises for *bona fide* purposes of demolition and reconstruction would have to be taken only under Section 12 of the Act and not under Section 14. The provision under Section 12 and Section 14 of the said Act are also not *pari materia*. Section 12 of the Act requires a landlord to approach the authorised officer, requiring the premises for his *bona fide* purpose of demolition and reconstruction under section 12(1)(b) and an appeal is provided under section 12(3-A) of the said Act



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to the Government and the schedule also prescribes specific fee to be paid

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insofar as an application under Section 12 of the said Act is concerned.

19. Therefore, when a specific procedure has been set out in the Act itself to deal with the cases where the Government is deemed to be the tenant, then the landlord has to take recourse only to the specific provision and not to Section 14.

20. Coming to the decisions relied on by the learned counsel on either side, the learned counsel for the tenants relied on the decision of the Hon'ble Supreme Court in *Ramchandra's* case (*supra*) wherein it was held that, *when the statute prescribes that a certain thing is to be done in a certain way, then that thing should be done only in that way and not in any other method and that any other methods of performance are forbidden*. The above ratio laid down was followed by the Hon'ble Apex court in *Tata Chemicals's* case (*supra*), where the Hon'ble Apex court



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held that *there can be no estoppel against law and if the law requires that*

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something be done in a particular manner, it must be done in that manner

and if not done in that manner, then it has no existence in the eye of law

at all. The ratio in the above cases would squarely apply to the facts of

this case and also address the issue of question of maintainability for the

first time in the revision.

21. As held by the Hon'ble Apex Court in *Tata Chemicals's* case (*supra*), if the procedure contemplated has not been followed or availed of, then it has no existence in the eye of law at all. In view of the above, it is open to the tenants to take the objection regarding the maintainability of the eviction petition filed under section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 before this Court, even for first time.

22. Insofar as the decision relied on by the learned counsel for the



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landlord in *Shanmughavel's* case (*supra*) is concerned, this Court was dealing with the eviction petition filed under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 which is to evict a Post office. The objection taken was that the petition under section 14 was not maintainable and it was only an application under Section 12 of the said Act which was proper, as taken in the present case as well. However, this Court finding that the word Government appearing under Sections 14(5) and 12 of the said Act would refer only to the State Government, held that the Post office being a wing of the Central Government, Section 12 of the Act would not apply and Section 14 alone would be maintainable and in such circumstances, this Court proceeded to confirm the order of eviction passed in favour of the landlord therein.

23. However, in the present case, admittedly, the tenants are deemed to be State Government and therefore, the mandate of Section 14(5) of the Act would apply in full force. Therefore, the aforesaid



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decision does not apply to the facts of this case.

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24. Coming to the arguments of the learned counsel for the landlord that the tenants have committed wilful default even pending proceedings before the Court and therefore, taking notice of the subsequent conduct of the tenants, eviction should be ordered, I find that, firstly, the petition has been filed under section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, though it should have been filed under Section 12 of the Act. It is only where an application under Section 10 of the Act has been filed for eviction, Section 11 would apply. Therefore, all the decisions that have been relied on by the learned counsel for the landlord, be it *M.S.Premchand's* case or *K.Muthu's* case or *Uma's* case which have been referred supra, would not apply, because in all those cases, the request for eviction was made by invoking Section 10 of the Act and not Section 14.



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25. In any event, pursuant to the orders of this Court, the rents have been already paid and therefore, I am unable to countenance the arguments of the learned counsel for the landlord that the subsequent conduct of the tenants should be taken note of and eviction should be ordered.

26. With regard to the denial of title, referring to grounds 6 and 7 in the grounds of the revision, the learned counsel for the landlord would submit that the tenants have wilfully denied the title of the landlord and therefore, on the said ground alone eviction should be ordered and in the regard he would rely on the decision of this Court in the case of ***Julikabi (dead) and 2 others Vs. Vairavan*** reported in ***2000-1-L.W.833***, wherein, in a petition under Section 14(1)(b) of the Act, for demolition and reconstruction, the tenant denied the title of the landlord before the Appellate Authority and this Court held that, even though the landlord had not taken a ground for eviction that denial of title is not *bona fide*, it

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is permissible for the Court to order eviction on the ground of denial of title of the landlord.

27. Unfortunately, the said decision does not come to the rescue of the landlord, since in a later decision, the Hon'ble Apex Court in the case of *J.J. Lal Pvt. Ltd. & Ors vs M.R. Murali & Anr* reported in **2002 3 SCC 98**, held that, *if no case for eviction of the tenants is made out either on the ground of denial of title 'not bona fide' or on the ground of tenants having committed wilful default in payment of rent, petitions for eviction cannot be entertained*. Therefore, I am unable to rely on the decision of this Court in *Julikabi's* case (supra).

28. Lastly, the learned counsel for the landlord would rely on the decision of this Court in *A.1392 Batlagundu Co-operative Stores's* case (supra), wherein also, the tenant was Government and this Court

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confirmed the order of eviction under Section 14(1)(b) of the Act.

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Unfortunately, the plea of maintainability of the eviction petition under Section 14(1)(b) of the Act was not taken by the petitioner therein and therefore, there was no occasion for this Court to deal with the said issue, while disposing of the said CRP and confirming the order of eviction passed by the appellate authority.

29. In view of the above, I am inclined to hold that the petition under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 is clearly not maintainable and the landlord ought to have taken the recourse under Section 12 of the Act, if the landlord required the premises for *bona fide* purpose of demolition and reconstruction.

30. In the light of the above, the impugned order dated 27.02.2024 passed by the appellate authority in R.C.A.No.6 of 2019, confirming the

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eviction order dated 06.06.2019 passed in RCOP.No.6 of 2014 is set aside

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and in view of the eviction order being set aside, nothing survives in respect of the execution petition initiated in consequent to the said eviction order, which is put to challenge before this Court in CRP.No.3907 of 2025 and thereby, the order dated 13.09.2023 passed in E.A.No.7 of 2022 in E.P.No.115 of 2014 is also set aside.

31. However, the respondent is at liberty to initiate proceedings for recovery of possession under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. It is made clear that the order passed in these revisions will not come in the way of the landlord invoking the applicable provisions under the new Act.

32. With the above observations and directions, these Civil Revision Petitions stand allowed. No costs. Consequently, the connected Miscellaneous petitions are closed.

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Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To:

1. The Additional Subordinate Judge,
Kanchipuram.

2. The Principal District Munsif Court,
Kanchipuram.

3. The Managing Director,
Tamil Nadu Handloom Weaver Co-operative Society Limited,
Pantheon Road, Egmore, Chennai.

4. The Regional Manager,
Tamil Nadu Handloom Weaver Co-operative Society Limited,
Melmonavur, Bangalore Road,
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5. The Branch Manager,
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