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C.R.P.Nos.3525 and 3639 of 2025

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 26.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P.Nos.3525 and 3639 of 2025
and
C.M.P.Nos.19043 and 19621 of 2025

Usha Raveendran

... Petitioner

in both C.R.Ps

Vs

N.C.Kandasamy

...Respondent

in both C.R.Ps

PRAYER: Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, as amended, to set aside the order and decree made in R.C.A.Nos.206 of 2021 and 99 of 2022 passed by the learned VII Judge of Court of Small Causes, Chennai, dated 19.06.2025, confirming the order and decree dated 07.10.2021 made in RCOP Nos.1447 of 2015 and 1750 of 2015 on the file of the learned XII Judge of Court of Small Causes, Chennai.

For Petitioner	:	Mrs.Chitra Sampath
in both C.R.Ps		Senior Counsel for
		Mr.M.Ganesan
For Respondent	:	Mr.A.Palaniappan
in both C.R.Ps		



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COMMON ORDER

These revision petitions have been filed challenging the fair and decretal order dated 19.06.2025 made in R.C.A.Nos.206 of 2021 and 99 of 2022 passed by the VII Judge, Court of Small Causes, Chennai, confirming the order dated 07.10.2021 made in R.C.O.P.Nos.1447 of 2015 and 1750 of 2015 on the file of the XII Judge, Court of Small Causes, Chennai.

2. The case of the petitioner/tenant is that originally the property bearing Old Door No.5, then No.26, presently Door No.13, Vengu Chetty Street, Park Town, Chennai, consisting of land and a mud house, belonged to one Natesa Chettiar, who is the grandfather of the respondent herein. The said Natesa Chettiar leased out the said property in the year 1960 to one Velayudam Nair – petitioner's father-in-law for 99 years for running a lodge after putting up superstructure therein at their own costs. In pursuant to the oral agreement, the petitioner's predecessor-in-interest demolished the mud house and constructed the



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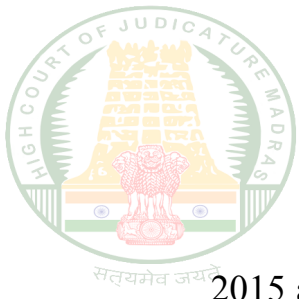
superstructure and running a lodge under the name and style of "Raveendra Lodge", after obtaining necessary approvals from the authorities concerned. The petitioner/tenant has been paying rent for the land based on the market value of the land, they are regularly paying property tax, water tax and Electricity Bill for the entire property viz., land and the entire superstructure. In the year 1975, the said Natesa Chettiar/landlord died leaving behind his daughter Thiripura Sundari. After the demise of the said Natesa Chettiar, the tenant was regularly paying rents to the said Thirupura Sundari, and thereafter, to the respondent herein. It is further stated that the said Thirupura Sundari died, as early as in the year 2007 but the respondent herein suppressing the said fact and was collecting the rent from the tenant. While the matters stood thus, the respondent, with an intention to grab the superstructure from the petitioner, caused a legal notice dated 24.11.2014 claiming to be the owner of the land and the superstructure of the said property and calling upon the petitioner to increase the rent or vacate and hand over the possession of the same, for which, a reply has been sent by the petitioner through his counsel on 07.03.2015.



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3. Thereafter, the respondent filed two cases against the petitioner in R.C.O.P.Nos.1447 of 2015 and 1750 of 2015 seeking eviction and for fixing fair rent. The learned XII Judge, Small Causes Court, Chennai by order dated 07.10.2021 allowed the R.C.O.P.No.1447 of 2015 and directed the petitioner herein/tenant to vacate and handover the vacant possession of the petition schedule premises to the respondent herein/landlord within a month and also allowed R.C.O.P.No.1750 of 2015 and fixed the fair rent for the petition schedule premises at the rate of Rs.1,09,620/- per month from the date of petition i.e., 14.10.2015 and also made an observation that the said amount will increase at the rate of 10% for every 2 years from the prevailing rate of rent, otherwise the parties mutually agreed. Being aggrieved by the said fair and decretal order, the petitioner/tenant preferred appeals in R.C.A.Nos.206 of 2021 and 99 of 2022 before the VII Small Causes Court, Chennai and also filed miscellaneous petitions seeking to permit the petitioner/tenant to file additional documents, as and when the said documents were located. The appellate authority by orders dated 19.06.2025 dismissed the appeals confirming the fair and decretal order passed in R.C.O.P.Nos.1447 of

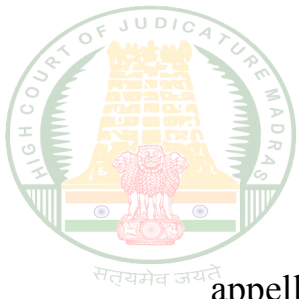


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2015 and 1750 of 2015. Challenging the said fair and decretal orders, the petitioner/tenant has come forward with the present revision petitions.

4. Learned Senior Counsel appearing for the petitioner submitted that originally the superstructure in the subject premises was put up by the tenant and predecessor-in-interest and therefore, they are the absolute owner of the same and also there is no jural relationship between the landlord and tenant. Moreover, in the Understanding Agreement dated 04.07.1971 entered between Janaki Ammai W/o.Velayutham Nair and the Natesa Chettiar, the said Natesa Chettiar agreed to receive the land rent alone, as the superstructure is owned by the tenant and also the said Janaki Ammal also agreeing that not to claim any right over the land. Learned Senior Counsel further submitted that as the subject matter pertains to 65 years period, most of the connected documents were highly damaged and major portion of the said documents are affected by termites and that the same could not be located during the pendency of RCOP. During the RCA proceedings, some of the documents were located and that the petitioner filed miscellaneous petitions before the



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appellate Court seeking permission to file additional documents, to enable them to substantiate their ownership in respect of the superstructure in the petition premises. It is her further submission that the said documents are very much crucial and vital to decide the maintainability of the RCOPs, however, the appellate authority took up those applications along with rent control appeals and dismissed the applications on the ground that original documents were not produced during the RCOP proceedings.

5. Learned Senior Counsel further submitted that when the respondent is trying to dispossess the petitioner from the subject premises, the petitioner filed a suit in O.S.No.2146 of 2025 on the file of the XVIII City Civil Court, Chennai, seeking declaration and for consequential reliefs. Since the original documents were filed in O.S.No.2146 of 2025, the original documents could not be produced before the appellate authority. After taking necessary steps, the petitioner has received those original documents and now, she is ready to produce the same before the appellate authority and hence, an opportunity may be



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given to the petitioner/tenant to put forth her defence by producing those documents and also they are ready to lead the evidence within a stipulated time that may be prescribed by this Court.

6. Per contra, the learned counsel appearing for the respondent/landlord submitted that originally the construction of superstructure in the subject premises was put up by one Natesa Chettiar, who is the grandfather of the respondent herein and let out the building to the tenant for rent and after the death of Natesa Chettiar and his daughter Thirupura Sundari, the said property devolved upon the respondent herein and he used to receive the rent from the petitioner/tenant. Therefore, the respondent herein and his predecessor-in-interest are the absolute owner of the land as well as the superstructure thereon. To substantiate their title over the subject premises, they have filed sufficient documents. However, the petitioner/tenant has not adduced any documentary evidence to prove that her predecessor-in-interest constructed the superstructure in the subject premises during the RCOP proceedings. After hearing, the rent control authority rightly



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allowed RCOP cases. While that being so, in the appeal proceedings, the petitioner/tenant sought permission to file additional documents to prove their title over the superstructure. The learned Judge, re-appreciating the facts in a proper perspective manner, rightly dismissed the petitions and also the appeals.

7. I have heard the learned Senior Counsel appearing for the petitioner/tenant and the learned counsel appearing for the respondent/landlord, and have perused the materials available on record.

8. It is admitted that the land originally belonged to one Natesa Chettiar, the grandfather of the respondent, and that the petitioner's predecessor-in-interest was inducted into possession around the year 1960. It is also not disputed that a superstructure was raised on the land and that the petitioner's family has been in continuous occupation of the premises for several decades, paying ground rent to the erstwhile owner and later to his successors-in-interest. The real controversy between the parties is whether the superstructure belongs to the tenant or the landlord,



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and whether the tenant can resist eviction on that ground.

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9. From the records, it is seen that during the pendency of the appeal proceedings, the petitioner/tenant filed several miscellaneous petitions to receive additional documents, which according to her, are crucial to show that the superstructure was put up by her predecessor-in-interest and not by the landlord. The Appellate Authority, however, dismissed those petitions without admitting the documents, observing that they contradicted the oral evidence of the tenant and that the originals were not produced before conclusion of the proceedings. On that reasoning, both the appeals and the miscellaneous petitions were dismissed.

10. The main contention of the learned Senior Counsel for the petitioner is that the original documents relied upon were already produced in O.S.No.2146 of 2025 before the XVIII City Civil Court, Chennai, in a suit relating to the same property, and therefore they were not available at the time of application to raise additional evidence before



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the appellate authority in the rent control appeals. It is submitted that the documents have since been retrieved and can now be produced. According to her, these documents go to the root of the matter, and without considering them, the RCAs cannot be decided fairly.

11. Per contra, learned counsel for the respondent/landlord submits that the Appellate Authority has already re-appreciated the entire evidence and found the tenant's claim of ownership unacceptable, especially in view of contradictions between her oral evidence and the documents relied upon. It is further contended that, after a lapse of more than sixty years, it would be impossible to determine what actually happened in 1965, and hence no further indulgence should be granted.

12. Having considered the rival submissions, this Court finds that the Appellate Authority erred in dismissing the petitions without even receiving and marking the documents. It is not the landlord's case that such documents do not exist; the only objection was that they were not produced in the RCA proceedings. When it is shown that they were



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already filed in a connected civil suit and thus not readily available for production in the rent control appeals, however, they filed xerox copies of the documents and when such documents are vital for deciding whether the superstructure belongs to the tenant or the landlord, the interests of justice require that the tenant be given one more opportunity. Only after proper consideration of these documents and related evidence, the appellate authority can arrive at a just conclusion.

13. In the light of the above, and in the interest of justice, this Court is of the view that the petitioner/tenant shall be given one more opportunity to produce the original documents mentioned in the miscellaneous petitions and lead evidence. It is also noted that the fair rent proceedings in R.C.No.99 of 2022 were dismissed without considering crucial documents. Hence, the fair and decretal orders dated 19.06.2025 passed in R.C.A.Nos.206 of 2021 and 99 of 2022 by the VII Judge, Court of Small Causes, Chennai, are set aside, and the matters are remitted back to the Appellate Authority for fresh consideration with the following directions:



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(i) The petitioner/tenant shall produce all the original documents referred to in the miscellaneous petitions before the Rent Control Appellate Authority.

(ii) On such production, the Appellate Authority shall receive and mark the documents after verifying them with the copies already on record, and permit the petitioner to lead evidence based on them. The evidence may be recorded on 09.09.2025, 10.09.2025, and 11.09.2025.

(iii) The respondent/landlord shall be permitted to cross-examine the witnesses on 12.09.2025, 15.09.2025, and 16.09.2025, and not thereafter.

(iv) After recording such evidence, the Appellate Authority shall dispose of the appeals on merits and in accordance with law within 15 days. If the Appellate Authority is unable to record the evidence, it may direct the Rent Controller to do so on the above dates.

(v) After the Rent Controller records the evidence, the Appellate Authority shall pass final orders on merits within 15 days from the date of completion of the evidence.



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14. With the above observations and directions, these Civil Revision Petitions are allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

1. The VII Judge
Court of Small Causes,
Chennai.
2. The XII Judge,
Court of Small Causes,
Chennai.
3. The Record Keeper, V.R. Section, High Court, Madras.



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P.VELMURUGAN, J

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