



WEB COPY



CRP No.4514 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP No.4514 of 2025

K.Yesu
S/o.Kasi Chettiyar,
No.14/480, Main Bazar Street,
Vellore 4

Petitioner(s)/Landlord

Vs

S.Rajendra Prasad
S/o.Late Subramaniya Chettiyar,
No.12/3, Desai Narayana Chetty Street,
Vellore 4

Respondent(s)/Tenant

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 22.07.2025 passed in I.A.No.2 of 2024 in R.L.T.O.P.No.3 of 2023 on the file of the Principal District Munsif Court at Vellore.

For Petitioner(s): Mr.T.Murugamanickam, Senior Advocate



CRP No.4514 of 2025

for M/s.D.Sathya

WEB COPY

ORDER

Challenging the order dated 22.07.2025 passed in I.A.No.2 of 2024 in R.L.T.O.P.No.3 of 2023 on the file of the Principal District Munsif Court at Vellore, the revision petitioner/landlord has preferred the present civil revision petition.

2. The revision petitioner/landlord has filed a petition in R.L.T.O.P.No.3 of 2023 before the Rent Controller/Principal District Munsif at Vellore, under Section 21(2)(b)(d)(q) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, to demolish and reconstruct the building, since the schedule mentioned premises is in dilapidated condition and also for own use and occupation.

3. Pending enquiry, the revision petitioner/landlord has filed I.A.No.2 of 2024 in R.L.T.O.P.No.3 of 2023 under Section 37(1)(c) of the Act, *ibid.*, seeking appointment of an Advocate Commissioner to inspect the premises with the help of a qualified building Engineer to note down its physical feature and age. Upon considering the arguments on either side, the Court below has dismissed the application on the ground that whether the



premises is old or dilapidated or whether it requires demolition, has to be established by producing appropriate documentary evidence and examining expert witness at the time of trial.

4. Aggrieved over the same, the petitioner/landlord has instituted the present petition.

5. The learned counsel appearing for the revision petitioner/landlord would submit that the Court below has failed to appreciate the fact that the revision petitioner/landlord has sought the relief of order of eviction is only for the purpose of own use, demolition and construction a building premises. Further, the Court below also failed to consider the fact that the building, which was constructed more than sixty years ago, has an imminent chance to collapse at any time. The Court below also failed to note that the duty of an Advocate Commissioner is to note down the physical structure, age and building strength and apart from that, the Advocate Commissioner is bound to ascertain as to whether the building is capable for residential use.

6. It is seen from the records that the revision petitioner/landlord filed R.L.T.O.P.No.3 of 2023 to demolish and to reconstruct the building,



which is in dilapidated condition and also for own use and occupation.

WEB COPY

7. Before the Rent Controller, the respondent/tenant contended that the premises is in good condition and the same is lack of decay. The intention of the revision petitioner/landlord is to evict the respondent/tenant from the premises and subsequently, lease the same to a third party for higher costs.

8. R.L.T.O.P. proceedings is a summary proceedings in nature and the revision petitioner/landlord seeks an appointment of Advocate Commissioner to strengthen his case for eviction on the ground of demolition and reconstruction.

9. It is well settled that an Advocate Commissioner cannot be appointed to collect evidence for the parties concerned. The Court below has rendered a finding as to whether the premises is old or dilapidated can be established by producing appropriate documentary evidence and examining expert witness at the time of trial, if it is required. Appointment of an Advocate Commissioner cannot be used as a tool to collect evidence or to fill up the lacuna in the pleadings of the parties concerned. The real dispute between the



CRP No.4514 of 2025

parties has to be adjudicated only based on oral and documentary evidence and

not by way of an Advocate Commissioner's report.

10. In such view of the matter, this Court does not find any reason to interfere with the order of the Court below.

In the result, this civil revision petition stands dismissed. No costs.

19-09-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
nsd

To

The Rent Controller,
Principal District Munsif Court,
Vellore.



WEB COPY



CRP No.4514 of 2025

M.JOTHIRAMAN J.

nsd

CRP No.4514 of 2025



WEB COPY



CRP No.4514 of 2025

19.09.2025