



CRP NPD.No.145 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.145 of 2025 & CMP.No.1103 of 2025

1. L.Suseela

2.L.Yoganandan

... Petitioners

Versus

1. V.Gajendran

2. G.Vidya

... Respondents

PRAYER : Petition filed under section 25 of of Tamilnadu Lease and Rent Control Laws to set aside the fair and decreetal Order dated 13.11.2024 passed by the Sub Court [Rent Control Appellate Authority] at Ambattur in RCA.No.31 of 2023 confiming the fair and decreetal Order dated 11.02.2019 made in RCOP.No.23 of 2015 on the file of the Rent Controller cum District Munsif Court, Ambattur.



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For petitioners : Mr.N.Kumar Rajan

ORDER

Challenge has been made against the concurrent finding of the rent controller as well as the rent control appellate authority ordering eviction revision petitioner from the tenanted premises, in the present revision petition.

2. The landlord has originally filed a petition for eviction under section 10 [3] [a] [i] on the ground of owner's occupation. The case of the landlord is that the respondents are running a textile business in the tenanted premises. The building is required for own use and occupation for carrying out business of the petitioner's son. According to them they are not having any other commercial premises except the tenanted premises. The learned rent controller after analysing entire aspects has ordered eviction.

3. It is the contention of the respondents that there is no bonafide on the part of the landlord. Originally, the landlord has refused to receive the rent which resulted in filing a petition under section 8 [5] of Tamilnadu Buildings



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[Lease and Rent Control] Act in RCOP No.1 of 2010, which was dismissed on the ground that rents were received by the petitioners. Similarly, fair rent proceedings have also reached finality and fair rent of Rs.12,520/- per month was fixed. Therefore, the present petition has been filed only in order to evict the tenant. Hence, submitted that there is no bonafide on the part of the landlord.

4. The rent controller on the basis of the evidence adduced on both sides came to the conclusion that the landlord require the building for the purpose of business of his son. The contention of the respondents that the son of the petitioner is working in Bangalore, therefore, he is no intention to do business in the rented premises has been negated by the rent controller. The appellate authority has also analysed evidence and has come to the conclusion that the requirement of the landlord is bonafide and ordered eviction. Challenging the same, the present revision petition has been filed.

5. The landlord has sought eviction for the purpose of running business



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by his son. It is the contention of the learned counsel for the petitioners that no preparatory works have been carried out by the landlord to prove that his son is going to run business in the tenanted business. The stand of the respondents in the courts below is that as the son is permanently settled in Bangalore and there is no preparatory work done for running a business in the rented premises, eviction cannot be granted.

6. Heard the learned counsel appearing for the petitioners and perused entire materials available on record.

7. The landlord has sought eviction for the purpose of running business by his son. Merely because, preparatory work has not been done, the same cannot be a ground to deny eviction. Normally, only after the vacant possession of the building is handed over, preparatory works for running a business will be carried out. It cannot be expected that on the date of filing a petition for eviction itself, one has to do preparatory works for running the business. Considering the delay in rent control proceedings, it cannot be



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expected that the preparatory work has to be done from the very inception of the rent control proceedings. Such preparatory works can be done only after the vacant possession of the building is handed over to the landlord. What is to be seen is that whether the requirement is bonafide or not. When the Courts below had concurrently found that the requirement is bonafide, merely because the son of the landlord is working in Bangalore, that cannot be a ground for denying eviction. One cannot except that having filed a petition for eviction, the son or children has to be present in same place to seek eviction. There may be so many circumstances under which the children may seek employment in other places and it cannot be said that the requirement is not bonafide. Hence, there is no merits in this Civil Revision Petition.

8. At this stage, the learned counsel appearing for the petitioners submit that the tenant seeks 6 months time to vacate the premises. He has also filed an undertaking affidavit to that effect.

9. Accordingly, this Civil Revision Petition is dismissed. Considering



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the undertaking affidavit filed by the petitioners, the petitioners are granted four months time to vacate and hand over vacant possession to the landlord and per the undertaking given before this Court. If the petitioners fails to vacate the premises within four months time, they will be proceeded for violating the undertaking affidavit filed before this Court No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

Index : Yes / No
Internet: Yes
Speaking/non speaking order
vrc

To,

1. The Sub Judge,
Rent Control Appellate Tribunal,
Ambattur.
2. The Rent Controller cum District Munsif,
Ambattur.



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N. SATHISH KUMAR, J.

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