

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1029 of 2020
and
C.M.P.(MD).No.6592 of 2020

Alagupeter

...Petitioner

Vs.

1.Pandian

2.S.Angayyan

3.Vanitha

4.Kanniga

5.Dhanushkodi

6.Karthikeyan

7.K.M.P.L.Ravi

...Respondents

(Cause title accepted vide Court order dated 01.12.2020 made in C.M.P. (MD).No.5975 of 2020 in CRP.(MD).SR.No.28352 of 2020)

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960, to call for the records relating to the fair and decreetal order made in R.C.A.No.1 of 2018 dated 19.06.2020 by the Rent Control Appellate Authority / Sub Judge, Uthamapalayam, confirming the fair and decreetal order made in R.C.O.P.No.1 of 2014 dated 08.02.2018 by



the Rent Controller / District Munsif, Uthamapalayam and set aside the same with costs.

For Petitioner : Mr.D.Malaichami
For R-1 to R-6 : Mr.R.Suriya Narayanan
For R-7 : No Appearance

* * * * *

ORDER

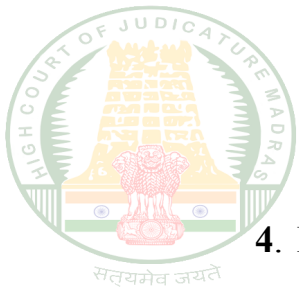
This petition has been filed seeking to set aside the fair and decreetal order made in R.C.A.No.1 of 2018, dated 19.06.2020, passed by the Rent Control Appellate Authority / Sub Judge, Uthamapalayam, confirming the fair and decreetal order made in R.C.O.P.No.1 of 2014, dated 08.02.2018, passed by the Rent Controller / District Munsif, Uthamapalayam.

2. The respondent Nos.1 to 6 filed a petition in R.C.O.P.No.1 of 2014 before the Rent Controller / District Munsif, Uthamapalayam, seeking eviction. The said petition was allowed on 08.02.2018 directing the petitioner herein to vacate the premises within a period of two months from the date of the order and hand over the possession to the respondents herein. Aggrieved by the same, the petitioner herein filed an appeal in R.C.A. No. 1 of 2018 before the Rent Control Appellate Authority / Sub Judge, Uthamapalayam, to set aside the order passed by the Rent Controller / District Munsif, Uthamapalayam, in R.C.O.P. No. 1 of 2014. The said appeal was dismissed on 19.06.2020 by the Rent Control Appellate Authority / Sub Judge, Uthamapalayam. Challenging the same, the present petition has been filed.



WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is a tenant, and respondent Nos. 1 to 6 are the owners of the property. The petitioner had entered into a tenancy agreement with them. He would further submit that respondent Nos. 1 to 6 initially instituted eviction proceedings against the petitioner on the ground of owners' occupation and subsequently, included a plea of wilful default by way of amendment. However, during the pendency of the R.C.O.P. proceedings, respondent Nos. 1 to 6 sold the property in favour of the seventh respondent on 07.09.2017. Once the property was sold to the seventh respondent, respondent Nos. 1 to 6 lost their rights to maintain the eviction petition in the capacity of owners, and the cause of action ceased to exist upon alienation of the property. If at all, it is only the seventh respondent who would be entitled to initiate such proceedings. Without considering this aspect, both the lower Court and the lower Appellate Court erroneously passed orders against the petitioner, which is impermissible. He would further submit that during the tenancy period, he spent a sum of Rs.7,00,000/- towards the improvement of the suit property. In view of the fact that the eviction proceedings were carried out during the pendency of this petition, the same is not sustainable. Hence, this Court may be pleased to order re-possession of the property in favour of the petitioner. Accordingly, he prays that this petition may be allowed.



4. Per contra, the learned counsel appearing for respondent Nos. 1 to 6 would submit that entering into a tenancy agreement with the petitioner does not deprive respondent Nos. 1 to 6 of their right to alienate the property to third parties. In the present case, respondent Nos. 1 to 6 instituted rent control proceedings for eviction on the grounds of wilful default and owners' occupation. Subsequently, the property was alienated in favour of the seventh respondent. Even thereafter, the petitioner continued to occupy the premises. However, both the Rent Controller and the Appellate Authority held against the petitioner and dismissed the appeal filed by him on 19.06.2020. Thereafter, the present petition was filed on 20.08.2020. Even before the petition was numbered, delivery was ordered in favour of respondent Nos. 1 to 6. Without their knowledge, the petitioner made alterations to the premises. The petitioner is now claiming rights in respect of the altered property. However, the respondents have not made any such claim against the petitioner.

5. Since this petition came to be filed after delivery was ordered in favour of respondent Nos. 1 to 6, nothing survives for further adjudication. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.06.2025

Internet: Yes/No

Index: Yes/No



To

WEB COPY

1.The Rent Control Appellate Authority / Sub Judge, Uthamapalayam.

2.The Rent Controller / District Munsif, Uthamapalayam

3.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



WEB COPY

C.R.P.(MD)No.1029 of 2020



M.DHANDAPANI, J.

TSG

C.R.P.(NPD)(MD)No.1029 of 2020

05.06.2025