



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1878 of 2025

and

C.M.P.(MD).No.10388 of 2025

Ramachandran

...Petitioner

Vs.

Thayup Haji Ismail

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and ex-order passed in R.C.A.No.15 of 2023 on the file of the Rent Control Appellate Authority (Principal Sub Judge, Madurai), confirming the fair and ex-order passed in R.C.O.P.No.18 of 2017 on the file of the Rent Control Authority (The District Munsif Court), Madurai.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.G.Aravindan,
for M/s. Aran Legal Consultancy

* * * * *

ORDER

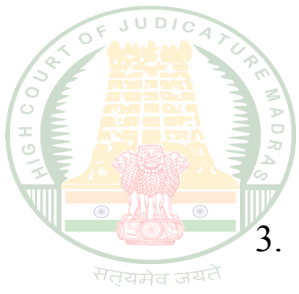
This Civil Revision Petition has been filed seeking orders to set aside the fair and executable order passed in R.C.A. No.15 of 2023 on the file of the Rent Control Appellate Authority (Principal Sub Judge, Madurai), confirming the fair



and executable order passed in R.C.O.P. No.18 of 2017 on the file of the Rent Controller (District Munsif Court), Madurai.

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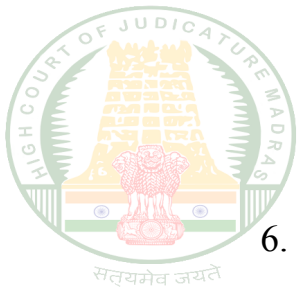
2. The petitioner is a tenant under the respondent / landlord. The respondent initiated rent control proceedings in R.C.O.P. No.18 of 2017 before the Rent Controller, Madurai Town, under Section 14(1)(b) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, seeking an order of eviction directing the petitioner to vacate and hand over the petition-mentioned property to the respondent / landlord and put the landlord in possession without any let or hindrance, and also to direct the petitioner to pay costs. After full-fledged trial, the learned Rent Controller allowed the petition and ordered eviction on 08.03.2023. Aggrieved by the said order, the petitioner filed R.C.A. No.15 of 2023 before the Rent Control Appellate Authority (Principal Sub Judge, Madurai), seeking to set aside the said eviction order. Pending appeal, the petitioner filed an interlocutory application in I.A. No.2 of 2023 before the concerned Authority seeking appointment of an Advocate Commissioner along with a qualified structural Engineer to inspect the property and report on the depth, strength, and condition of the foundation. However, the said application was dismissed. Subsequently, the appeal was also dismissed by an order dated 25.02.2025, directing the petitioner / tenant to vacate and hand over vacant possession of the schedule mentioned building to the respondent / landlord within two months. Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.



3. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner may be permitted to continue in possession till 15.10.2025, and thereafter, the petitioner shall hand over possession to the respondent. He further submitted that the petitioner may be permitted to enter into negotiation with the respondent / landlord for fresh tenancy in terms of a possible compromise between the parties.

4. The learned counsel for the respondent / landlord would submit that there is no serious objection for granting time till 15.10.2025 to vacate the premises. However, he submitted that fixing rent or entering into any future tenancy agreement shall be entirely at the discretion of the landlord.

5. The facts in the present case are not in dispute. The petitioner / tenant entered into tenancy with the vendor of the respondent in the year 2004, and subsequently, the respondent purchased the property in the year 2015. The admitted monthly rent is only Rs.3,437/-, which remains unchanged since inception and is meagre. Both the Rent Controller and the Appellate Authority concurrently found that the building is more than 120 years old and not fit for occupation.



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6. Considering the submissions of both parties and taking into account the age and condition of the building, this Civil Revision Petition is disposed of with the following directions:

(i) The petitioner / tenant shall hand over possession of the petition-mentioned property to the respondent / landlord on or before 15.10.2025.

(ii) The petitioner / tenant shall deposit the entire arrears of rent, if any, within a period of four (4) weeks from the date of receipt of a copy of this order. Failing which, the petitioner shall vacate the premises forthwith without waiting for the time granted above.

(iii) If the petitioner fails to vacate the premises on or before 15.10.2025, liberty is granted to the respondent / landlord to approach the jurisdictional Police Station for enforcement of this order and to seek assistance in securing possession.

(iv) It is made clear that any future tenancy or agreement shall be purely at the discretion of the respondent / landlord.



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There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Rent Control Appellate Authority (Principal Sub Judge, Madurai).

2.The Rent Control Authority (The District Munsif Court), Madurai.

3.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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