



C.R.P.(MD)Nos.1157,1158 & 1159 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1157,1158 & 1159 of 2020

and

C.M.P.(MD)No.7395 of 2020

C.R.P.(MD)No.1157 of 2020:

S.Ramakrishnan

...Petitioner

Vs.

1.S.Venkada Raghavan

2.R.Sampath (Died)

3.R.Ananda Narayanan

4.Saroja

...Respondents

(4th respondent is brought on records as LR of the deceased 2nd respondent vide court order dated 11.01.2023 made in CMP(MD)No.856 of 2022)

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamilnadu Building (Lease & Rent) Control Act, praying to set aside the fair order and decreetal order dated 20.08.2020 made in R.C.A.No.2 of 2018 on the file of the



C.R.P.(MD)Nos.1157,1158 & 1159 of 2020

Rent Controller Appellate Authority (Principal Sub-Court), Kumbakonam, confirming the fair and decreetal order dated 25.10.2017 made in R.C.O.P.No.5 of 2009, on the file of the Rent Controller, (Principal District Munsif Court), Kumbakonam.

For Petitioner : Mr.T.K.Gopalan
For Respondent No.1 : Mr.V.Maharajan
For Respondent No.3 : Mr.B.Jameelarasu

C.R.P.(MD)No.1158 of 2020:

S.Ramakrishnan ...Petitioner

Vs.

1.S.Venkada Raghavan
2.R.Sampath(Died)
3.R.Ananda Narayanan
4.Saroja

...Respondents

(4th respondent is brought on records as LR of the deceased 2nd respondent vide court order dated 11.01.2023 made in CMP(MD)No.857 of 2022)

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamilnadu Building (Lease & Rent) Control Act, praying to set aside the fair order and decreetal order dated 20.08.2020 made in R.C.A.No.10 of 2018, on the file of



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the Rent Controller Appellate Authority (Principal Sub-Court), Kumbakonam confirming the fair and decreetal order dated 25.10.2017 made in R.C.O.P. No.21 of 2013, on the file of Rent Controller, (Principal District Munsif Court), Kumbakonam.

For Petitioner : Mr.T.K.Gopalan
For Respondent No.1 : Mr.V.Maharajan
For Respondent No.3 : Mr.B.Jameelarasu

C.R.P.(MD)No. 1159 of 2020:

S.Ramakrishnan ...Petitioner

Vs.

1.R.Sampath(Died)
2.R.Ananda Narayanan
3.S.Venkada Raghavan
4.Saroja

...Respondents

(4th respondent is brought on records as LR of the deceased 2nd respondent vide court order dated 11.01.2023 made in CMP(MD)No.858 of 2022)

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamilnadu Building (Lease & Rent) Control Act, praying to set aside the fair order and decreetal order dated 20.08.2020 made in R.C.A.No.11 of 2017, on the file of



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the Rent Controller Appellate Authority (Principal Sub-Court), Kumbakonam confirming the fair and decreetal order dated 25.10.2017 made in R.C.O.P. No. 21 of 2013, on the file of Rent Controller, (Principal District Munsif Court), Kumbakonam.

For Petitioner : Mr.T.K.Gopalan

For Respondent No.2 : Mr.B.Jameelarasu

For Respondent No.3 : Mr.V.Maharajan

COMMON ORDER

These petitions have been filed seeking to set aside the fair order and decreetal orders dated 20.08.2020 made in R.C.A.Nos.2 of 2018, 10 of 2018 & 11 of 2017, on the file of the Rent Controller Appellate Authority (Principal Sub-Court), Kumbakonam, confirming the fair and decreetal orders dated 25.10.2017 made in R.C.O.P.Nos.5 of 2009, 21 of 2013 & 21 of 2013, on the file of the Rent Controller, (Principal District Munsif Court), Kumbakonam.

2.Learned Counsel for the petitioner would submit that the petitioner is the tenant. The facts of the present case are as follows:

2.1.The petitioner filed R.C.O.P.No.5 of 2009, seeking to permit the petitioner to deposit the rent before the trial Court on the ground that there was



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ownership dispute between the parties. The said RCOP was dismissed.

Aggrieved by the same, the petitioner preferred appeal in R.C.A.No.2 of 2018 and the same was dismissed. Challenging the same, the petitioner has preferred the present Civil Revision Petition in C.R.P.(MD)No.1157 of 2020.

2.2. Similarly, the landlords namely second and third respondents filed R.C.O.P.No.21 of 2013 for eviction, on the ground of willful default and demolition and reconstruction. The same was allowed by the trial Court, against which the petitioner preferred appeal before the lower appellate Court in R.C.A.No.11 of 2017 and the first respondent preferred an appeal in R.C.A.No. 10 of 2018. Both the appeals were dismissed, against which the present C.R.P. (MD)Nos.1158 & 1159 of 2020 have been preferred.

3. All the three Civil Revision Petitions are interconnected and the same are heard together and are being disposed of by way of this common order.

4. Learned Counsel for the petitioner would submit that the first and second respondent's mother and grand-mother of third respondent Ranganayaki Ammal leased out the property to the petitioner under registered lease deed dated 06.06.1987. At that time, the building was partly tiled, partly thatched and partly with tinsheet roofing and partly a vacant site. With the permission of the



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said Renganayaki Ammal, the petitioner converted it into an RCC building.

After the death of Renganayaki Ammal, the legal heirs namely Srinivasan, Senderrajan, Sampath and Anathanarayanan, all four sons succeeding the estate of the Renganayaki Ammal, entered into a fresh lease deed with the petitioner on 13.08.1997 for a period of 10 years and the monthly rent was fixed at Rs.7000/- and the said rent was collected by Ananathanarayanan and Sampath and after the expiry of the lease period, the respondent demanded higher rent and that the petitioner paid Rs.2,10,000/- for the period from 10.10.2007 to 16.03.2009. While so, the first respondent sent a notice to the petitioner, claiming a share of the rent from the petitioner and he also claimed to be the owner of the property. In view of the dispute with regard to the collection of the rent, the petitioner filed R.c.O.P.No.5 of 2009, seeking permission to deposit the rent amount before the rent control authority. However, the rent control authority arrived at a conclusion that as per Section 9(3) of “the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960” [hereinafter referred to as 'the Act'], the competent authority to deposit the rent is only the Revenue Divisional Officer. Further, the rent control authority arrived at a conclusion that there was no banafide dispute with regard to the title and ownership between the parties and hence, the approach made by the petitioner was unacceptable and on the sole ground, the RCOP was dismissed. Learned Counsel would also submit that



inadvertently, the petitioner omitted to deposit the amount before the Revenue Divisional Officer. However, the bonafide approach of the petitioner was not appreciated by the rent control authority and the same was dismissed, which was confirmed by the appellate authority is also not sustainable. Accordingly, he prays for allowing the C.R.P.(MD)No.1157 of 2020, in respect of R.C.O.P.No.5 of 2009.

5.Learned Counsel for the petitioner would submit that the rent control authority arrived at a conclusion that in view of the violation of Section 9(3) of the Act, the petitioner is a willful defaulter and has not paid the rent to the landlord and not deposited the amount before the Revenue Divisional Officer, under Section 9(3) of the Act and thereby, termed the petitioner as a willful defaulter. However, in respect of demolition and reconstruction, admittedly, at the time of the original lease agreement with Renganayaki Ammal, the building was a very old building and the building was thatched house with tiled roof and the entire building was developed by the petitioner with the consent of the landlord and the same was proved by examining R.W.3, who is the friend of Renganayaki Ammal. She clearly deposed that the development of the property was undertaken by the petitioner with the consent of Renganayaki Ammal. Apart from that the petitioner also filed an application for additional



developments before the Municipal Authority. The Municipal Authority has given consent for the said developments and all those documents clearly shows that the petitioner has developed the property. Hence, there is no need for demolition and reconstruction. Further, without ordering payment of compensation, the trial Court has ordered for demolition, which is not a sustainable one. Without obtaining an Engineer's report, ordering demolition is not sustainable and accordingly, he prays for allowing these Civil Revision Petitions.

6.Though, one Sampath is arrayed as second respondent, during the pendency of the Civil Revision Petition, the second respondent died and subsequently, the legal heir petition was filed and the same was allowed and the fourth respondent is impleaded as the legal heir of the second respondent.

7.Learned Counsel for the third respondent in C.R.P.(MD)No.1159 of 2020, would submit that though the third respondent is sailing with the first and second respondents, who are none other than the 'chithappas' of the third respondent. Admittedly, in the year 1997 as per the pleadings of the petitioner, the agreed rent of Rs.7,000/- was fixed. However, subsequently, the petitioner himself claim rent was enhanced to Rs.2,10,000/- for the period from



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10.10.2007 to 16.03.2009. While that being so, the petitioner, instead of depositing the rent before the Revenue Divisional Officer, was prepared to deposit the same before the Rent Control Authority. However, the petitioner preferred to deposit only Rs.7,000/- before the rent control authority, which is not sustainable. Such an approach of the petitioner itself clearly shows the he is a willful defaulter and he has not preferred to deposit the enhanced rent as agreed between them. Hence, the trial Court has rightly dismissed the RCOP filed by the petitioner. Accordingly, he prays for appropriate orders.

8. Heard the learned Counsel for the petitioner.

9. The facts in the present case are not in dispute. The petitioner is a tenant and since there was some ownership dispute between the landlords, the petitioner filed R.C.O.P.No.5 of 2009, for permitting the petitioner to deposit the rent before the trial Court. Whereas, the landlords namely second and third respondents filed R.C.O.P.No.21 of 2013, for evicting the petitioner on the ground of willful default and demolition and reconstruction. The trial Court allowed the RCOP filed by the landlord and dismissed the RCOP filed by the petitioner. Thereafter, the petitioner preferred appeals and the first respondent also preferred appeal as against the observation made in the order allowing the



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landlord's RCOP. All the appeal were dismissed. Accordingly, present Civil Revision Petitions came to be filed.

10.Initially the rent was fixed at Rs.7,000/- and thereafter, the same was enhanced to Rs.2,10,000/- for the period from 10.10.2007 to 16.03.2009. However, the petitioner approached the trial Court for depositing the rent before the trial Court. However, he was only prepared to deposit only Rs.7,000/- that was fixed in the year 1997. Even after a lapse of so many years, he is prepared to deposit only Rs.7,000/-. Such action of the petitioner itself shows that he is not prepared to deposit the rent bonafidely. Further, the building was leased out in favour of the petitioner as early as in the year 1987. It is alleged by the respondents that without the consent of the landlord, the petitioner on his own has developed the property, which itself is not sustainable one. For having developed the property with the consent of the landlord, no document was placed before the rent control authority or before the appellate authority, which itself shows that the additional development is not in the interest of the landlord but for the convenience of the business of the petitioner. Such issue was rightly appreciated by the rent control authority and dismissed, which need not be interfered with. Hence, this Court does not find any merit in all these Civil Revision Petitions.



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11.Accordingly, these Civil Revision Petitions stands dismissed. The petitioner is directed to vacate the premises within a period of three [3] months, failing which the third respondent including all the respondents are at liberty to approach the jurisdictional police for vacating the petitioner forthwith. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

15.07.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Rent Controller Appellate Authority (Principal Sub-Court),
Kumbakonam.
- 2.The Rent Controller / (Principal District Munsif Court),
Kumbakonam.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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