



C.R.P.(MD)Nos.1516 of 2021 & 1689 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)Nos.1516 of 2021 & 1689 of 2023

and

C.M.P(MD)No.8418 of 2023

N.Raja

...Petitioner/Appellant/Petitioner/Tenant

Vs.

Murugesan

...Respondent/Respondent/Respondent/Landlord

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal order passed in R.C.A.No.2 of 2020 dated 02.08.2021 on the file of the Rent Control Appellate Authority (Principal Sub Court), Tenkasi confirming the fair and decretal order dated 22.06.2020 passed in R.C.O.P.No.1 of 2017, on the file of the Rent Control Authority(Principal District Munsif Court), Tenkasi.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.T.S.Mohammed Mohideen

* * * * *



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COMMON ORDER

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The tenant is the revision petitioner in both the revision petitions.

2.The revision petitioner has entered into the tenancy agreement with the original landlord, namely, Murugesan on 19.08.2011 for residence-cum-commercial purposes at monthly rent of Rs.5,000/- and advance amount of Rs.1,00,000/-. Thereafter, the period was extended for another three years till 20.02.2016, with enhanced rent of Rs.7,000/- per month and additional advance amount of Rs.3,00,000/-.

3.When the erstwhile landlord, namely, Murugesan made an attempt to evict the petitioner through illegal means, the tenant had filed O.S.No.116 of 2013, for the relief of permanent injunction not to evict unless due process of law. The said suit was decreed by the trial Court on 12.10.2017. The landlord, namely, Murugesan had filed R.C.O.P.No.7 of 2015, for evicting the revision petitioner on the ground of owner's occupation and act of waste. This rent control proceedings was dismissed for default on 08.10.2015. Thereafter, the landlord/Murugesan has sold the property in favour of one Nagoorammal on 21.03.2017.



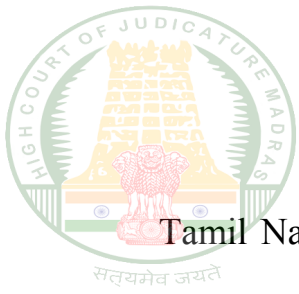
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4.The purchaser of the property, namely, Nagoorammal had filed the present R.C.O.P.No.3 of 2018, for evicting the tenant on the ground of wilful default, owner's occupation, act of waste, demolition and re-construction. The rent controller had allowed the eviction petition on the ground of wilful default and owner's occupation and rejected the other grounds. The tenant had challenged the order of eviction in R.C.A.No.3 of 2020, before the Sub Court, Tenkasi. The appellate authority had confirmed the order of eviction. Challenging the same, C.R.P.(MD)No.1689 of 2023 has been filed by the tenant.

5.Alleging that the erstwhile landlord, namely, Murugesan has refused to receive the rent, the tenant had filed R.C.O.P.No.1 of 2017 under Section 8 of the Tamil Nadu Buildings(Lease and Rent Control) Act, 1960. The said R.C.O.P. was dismissed and the tenant had preferred R.C.A.No.2 of 2020. The Appellate Authority had chosen to concur with the findings of the rent controller. Challenging the same, the tenant had filed C.R.P.No.1516 of 2021.

6.A perusal of the records in C.R.P.No.1516 of 2021, reveal that the rent controller has chosen to dismiss the application filed under Section 8 of the



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Tamil Nadu Buildings(Lease and Rent Control) Act, 1960, on the ground that the tenant has not followed the Section 8(5) of the said Act. That apart, when the property was sold by the landlord on 21.03.2017 itself, the tenant has not chosen to implead the new landlord.

7.It could be seen from the records that the tenant had addressed a communication to the erstwhile landlord on 20.12.2016, seeking permission to deposit the rent in the bank account. However, the said letter was returned as door locked. Therefore, it is clear that the petitioner did not get any information with regard to the bank details of the erstwhile landlord. There is no record to show that the tenant has deposited the rent at least in R.C.O.P.No.1 of 2017, pending proceedings. The rent controller has further found that the tenant has not impleaded the new landlord. No reason has been assigned why the tenant has not taken any steps to implead the new landlord. Therefore, this Court does not find any reasons to interfere with the concurrent findings of the Courts below for dismissing the application under Section 8 of the Tamil Nadu Buildings(Lease and Rent Control) Act, 1960.

8.A perusal of the records in C.R.P.(MD)No.1689 of 2023, reveal that the landlord has filed the eviction proceedings on the ground of wilful default,



owner's occupation and act of waste and demolition and reconstruction. As far as the plea of wilful default is concerned, the landlord has alleged that from April 2017, the tenant has not paid the rent. The landlord had issued notice on 30.12.2017, for which a reply has been addressed by the tenant on 03.01.2018 contending that he is regularly depositing the rent in R.C.O.P.No.1 of 2017. However, R.C.O.P.No.7 of 2015, for eviction was filed by the landlord only in April 2018. Therefore, it is clear that between February 2018 to August 2018, rent was not paid by the tenant to the landlord directly, nor it was deposited in R.C.O.P.No.1 of 2017. The tenant has not filed any records in R.C.O.P.No.7 of 2015 to indicate that he had been regularly paying the rent in R.C.O.P.No.1 of 2017. In such circumstances, this Court is of the considered opinion that the rent controller as well as the appellate authority have rightly arrived at a finding that the tenant has committed wilful default.

9.As far as the plea of owner's occupation is concerned, the landlord had contended that she requires the premises for construction of a house for her son. In the evidence, she has stated that she would like to demolish the said building and construct a house-cum-commercial shop for the benefit of her son. The rent controller as well as the appellate authority have arrived at a concurrent finding that the building is required for the son of the landlord. Though it is contended



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on the side of the tenant that the landlord is owning two house properties, they are located in another town. That apart, there is no pleading on the side of the tenant that the landland is owning any other commercial building. In such circumstances, this Court is of the opinion that the eviction on the ground of owner's occupation should also be sustained.

10.Considering the fact that the tenant is utilising a residential building for commercial purposes and running a chicken stall, time is granted till **31.05.2025** to vacate the premises.

11.In the above said deliberations, there are no merits in the revision petition. Accordingly, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

17.02.2025

Internet:Yes/No
Index:Yes/No
RJR



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To

- 1.The Rent Control Appellate Authority (Principal Sub Court),
Tenkasi.
- 2.The Rent Control Authority(Principal District Munsif Court),
Tenkasi.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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