



C.R.P.(MD)Nos.1817 & 1818 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1817 & 1818 of 2022

and

C.M.P.(MD)No.8196 of 2022

Muthu

...Petitioner in both C.R.Ps.

Vs.

P.P.Chandran @ Poornachandran

...Respondent in both C.R.Ps.

COMMON PRAYER: Civil Revision Petitions filed under section 25 of the Tamilnadu Buildings (Lease and Rent Control) Act 1960, praying to call for the records relating to the Fair and Decreetal orders passed in R.C.A.Nos.15 & 16 of 2018, on the file of the Rent Control Appellate Authority / Principal Sub Court, Dindigul, Dindigul District dated 07.06.2022, confirming the Judgment and decree passed in R.C.O.P.Nos.20 of 2014 & 04 of 2012, respectively, on the file of the Rent Control Authority / Principal District Munsif Court, Dindigul, Dindigul District dated 18.09.2018 and set aside the same by allowing these Civil Revision Petitions.



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For Petitioner : Mr.S.Sarvagan Prabhu

COMMON ORDER

These Civil Revision Petitions have been filed seeking to set aside the orders passed in R.C.A.Nos.15 & 16 of 2018, on the file of the Rent Control Appellate Authority / Principal Sub Court, Dindigul, Dindigul District dated 07.06.2022, confirming the Judgment and decree passed in R.C.O.P.Nos.20 of 2014 & 04 of 2012, respectively, on the file of the Rent Control Authority / Principal District Munsif Court, Dindigul, Dindigul District dated 18.09.2018.

2.The petitioner is a tenant. It is alleged that he entered into a tenancy agreement with the respondent on 05.07.2007. However, in the year 2011, it is alleged that the respondent refused to receive the rent and thereby, he sent the rent through money order on 08.11.2011 and the same was refused by the respondent. Thereby, the petitioner filed Rent Control Proceedings in R.C.O.P. No.4 of 2012, under Section 8(5) of the “Tamil Nadu Buildings (Lease and Rent Control) Act 1960” [hereinafter referred to as 'the Act'], on the file of the Rent Control Authority / Principal District Munsif Court, Dindigul, Dindigul District, seeking to permit the petitioner to deposit the rent amount on the file of trial



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Court. As a counter blast, the respondent filed R.C.O.P.No.20 of 2014, on the file of the Rent Control Authority / Principal District Munsif Court, Dindigul, Dindigul District, under Section 10(2)(1) and 14(1)(b) of the Act and the petitioner's RCOP was dismissed on the ground of willful default, demolition and reconstruction. The respondent's RCOP was allowed. Aggrieved by the same, the petitioner filed appeal before the lower appellate Court in R.C.A. Nos.15 & 16 of 2018 and the same were dismissed, by confirming the orders passed by the Rent Control Authority. As against the concurrent findings, the present Civil Revision Petitions have been filed.

3.Learned Counsel for the petitioner would submit that the rent control authority as well as the appellate authority failed to consider the necessary requirement under Section 10(2)(1) and 14(1)(b) of the Act and they failed to exercise jurisdiction vested with them in a proper perspective and further, the respondent landlord did not establish the case as regards the age of the building and the requirement for demolition and reconstruction. Hence, dismissing the petition filed by the petitioner and allowing the petition filed by the respondent is not sustainable. Though the respondent landlord claims in his eviction proceedings that as if the petitioner has not paid rent from August, 2011, whereas the petitioner has taken earnest steps to pay the rent to the respondent



and thereby, he has sent the rent through money order for October 2011 and November 2011. In order to prove the same, the petitioner has marked Documents P.15 and P.16. The same was not considered by the trial Court and the same is not sustainable. Accordingly, he prays for allowing these Civil Revision Petitions.

4.Heard the learned Counsel for the petitioner.

5.Though these Civil Revision Petitions are pending from 2022, till date, the petitioner has not taken effective steps to serve the respondent / landlord.

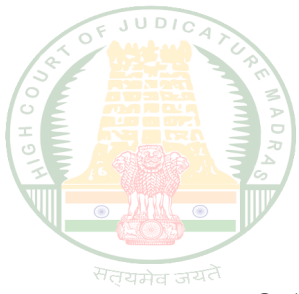
6.The facts in the present case are not in dispute. Admittedly, the relationship between the petitioner and the respondent is also not in dispute. Admittedly, the petitioner entered into a tenancy agreement with the respondent in the year 2007, whereas the respondent claims that the petitioner has not paid rent from August 2011, thereby the respondent filed R.C.O.P.No.20 of 2014, on the ground of willful default and demolition and reconstruction. Whereas, the petitioner filed R.C.O.P. No.4 of 2012, seeking permission to deposit the rent before the trial Court. In order to prove their respective cases before the trial Court, the respective parties examined themselves before the trial court as



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plaintiff evidence as well as defendant evidence and after adjudicating the entire issues, the trial Court allowed the R.C.O.P.No.20 of 2014, filed by the respondent / landlord, on the ground that reconstruction was on good faith by demolishing the old building and for construction of the new building to improve the income. The trial Court, after satisfaction that the respondent has sufficient means for reconstruction, arrived at a conclusion that the demolition is not in the intention of evicting the petitioner and is only in good faith.

7.In respect of non-payment of rent, the petitioner is ready to pay the enhanced rent as per the rental agreement and the petitioner has filed a receipt of money order form for taking steps to pay the rent through money order for the months October and November, 2011. However, the allegation as against the petitioner is, right from August 2010 onwards, he has not paid the rent. However, the petitioner did not establish the case that he paid the rent from August onwards. After contest, the trial Court, on proper appreciation of the facts and on being satisfied that the demolition and reconstruction is on good faith, allowed the RCOP filed by the respondent, whereas dismissed the RCOP filed by the petitioner, which do not warrant interference by this Court.



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8. Accordingly, these Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Rent Control Appellant Authority / Principal Sub Court,
Dindigul,
Dindigul District.

- 2.The Rent Control Authority / Principal District Munsif Court,
Dindigul,
Dindigul District.

- 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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