



CRP(MD). No.3845 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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and

CMP(MD) No.20252 of 2025

M.S.Muthu

... Petitioner

Vs

B.Dhanalakshmi Ammal (died)

1.Minor B.K.Dhevanand
through his mother and natural guardian
K.Susila

2.B.Umadevi

... Respondents

PRAYER :-Civil Revision Petition filed under Section 25 of the TN Buildings (Lease and Rent) Control Act, 1960, to set aside the fair and decreetal order passed in RCA.No.13 of 2023 dated 19.09.2025 on the file of the Rent Control Appellate Authority (Principal Sub Judge), Madurai in I.A.No.69 of 2022 in RCOP.No.166 of 2012 on the file of the Principal District Munsif, Madurai.

For Petitioner : Mr.S.Arun Nithy



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ORDER

This Civil Revision Petition has been filed challenging the order made in RCA.No.13 of 2023 dated 19.09.2025 on the file of the Rent Control Appellate Authority (Principal Sub Judge), Madurai in I.A.No.69 of 2022 in RCOP.No.166 of 2012 on the file of the Principal District Munsif, Madurai.

2.The petitioner herein is the tenant in R.C.O.P.No.166 of 2012 on the file of the Rent Controller/District Munsif Court, Madurai Town. One Dhanalakshmi, who died, through her power of attorney, namely, B.Umadevi, who is the second respondent herein/landlord, has filed the above said Rent Control Petition for fixation of fair rent to the subject property from the date of filing of petition. Pending RCOP., questioning the maintainability of RCOP., the petitioner/tenant has preferred an application in I.A.No.69 of 2022 before the Principal District Munsif Court, Madurai Town and the same was dismissed on 14.12.2022. Challenging the same, the petitioner/tenant has filed an appeal in RCA.No.13 of 2023 before the Rent Control Appellate



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Authority/Principal Subordinate Judge, Madurai, who had concurred with the findings of the Rent Controller and dismissed the appeal on 19.09.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner would submit that Dhanalakshmi Ammal died on 27.06.2016 and being a power of attorney, RCOP petition was filed by the second respondent herein. He would further submit that even though it is the claim of the second respondent that Dhanalakshmi Ammal had executed a power of attorney in her favour in 2009, in the year 2007 itself, Dhanalakshmi Ammal had already executed a settlement deed in favour of her grandson, namely, B.K.Dhevanand, who is the first respondent herein.

4.It is the main contention of the learned counsel for the petitioner that since a sale deed was executed in favour of the first respondent, who is the absolute owner of the subject property, by the very same Dhanalakshmi Ammal, the second respondent cannot initiate RCOP proceedings as against the petitioner, as she has no *locus standi* to file



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the same and it is not at all maintainable. Hence, he prays for appropriate orders.

5.Heard the learned counsel for the petitioner and perused the records. Since no adverse order is going to be passed in this petition, notice to the respondents is dispensed with.

6.Admittedly, questioning the maintainability of R.C.O.P.No.166 of 2012 filed by the second respondent/power agent of Dhanalakshmi Ammal, for the relief of fixation of fair rent of the subject property, the petitioner/tenant has preferred an application in I.A.No.69 of 2022 before the Principal District Munsif Court, Madurai Town and the same was dismissed on 14.12.2022 stating that the petitioner has no right to question the ownership of the subject property and the first appellate Court had also concurred with the findings of the Rent Controller, which is under challenge in this petition.

7.The only point for consideration in this petition is whether the order passed in RCA.No.13 of 2023 on the file of the Rent Control



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Appellate Authority/Principal Subordinate Judge, Madurai, dated
19.09.2025, is in line or not?

8.It is settled that the tenant has no right to question the ownership and seek dismissal of RCOP on the ground of maintainability. The law is clear on this point. The principle of estoppel applies, preventing the tenant from denying the landlord's title or questioning the RCOP's maintainability. This principle ensures that the tenants respect the landlord-tenant relationship. The trial Court has rightly rejected the petitioner's contentions. The tenant cannot dispute the ownership to thwart eviction proceedings. If the petitioner has any grievance with regard to the ownership of the superstructure, it would have been appropriate for him to raise the same as a ground in the main RCOP proceedings itself.

9.Further, from the perusal of papers, it is seen that on the ground of questioning the maintainability of RCOP, the petitioner had already filed a petition in I.A.No.121 of 2013, which was dismissed and this is the second round of litigation. The law is clear on this point also, in the



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principle of *res judicata*. When the petitioner's earlier petition challenging the RCOP's maintainability was dismissed by a Court, he/she cannot re-agitate the very same issue again. This is a settled principle of law, aimed at preventing multiplicity of proceedings. In the case on hand, the principle of *res judicata* applies, preventing the petitioner from re-litigating the same issue between the same parties on the same cause of action. Therefore, this Court is of the view that the trial Court as well as the first appellate Court had rightly considered the facts and circumstances of the case and had passed orders, which does not warrant any interference of this Court.

10. In fine, the Civil Revision Petition stands dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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- 1.The Principal Subordinate Judge, Madurai.
- 2.The Principal District Munsif, Madurai.



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N.SENTHILKUMAR, J.

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