



WEB COPY

CRP No. 1423 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1423 of 2024

AND

CMP NO. 21920 OF 2025

P.Gunasekaran
S/o. Purusothaman,
No.107, Bazar Street,
Varadharajapuram,
Ambattur and Taluk, Chennai 53.

..Petitioner(s)

Vs

A.Sulaiman (since deceased)

2. Jarina,
W/o. Late Sulaiman

3. Jaffer Ali,
S/o. Late Sulaiman,

4. Thameem Ansari,
S/o. Late Sulaiman

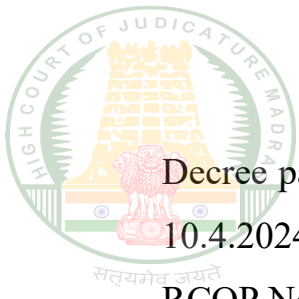
All are residing at
No. 31/15, ESI Road,
Periyar Street, Ramapuram,
Ambattur, Chennai 53.

(Respondents 2 to 4 brought on record as per
the order passed in CMP.No.21920 of 2025
in CRP No. 1423 of 2024 vide order dated
12.06.2026)

..Respondent(s)

PRAYER

Civil Revision Petition filed under Sec.25 of Tamil Nadu Buildings
(Lease and Rent Control) Act, 1960, praying to set aside the Judgment and



Decree passed by the Learned Sub-Court, Ambattur in RCA No. 14/2023 dated 10.4.2024 reversing the order passed by the District Munsif Court, Ambattur in RCOP No. 59/2016 dt 17.03.2021.

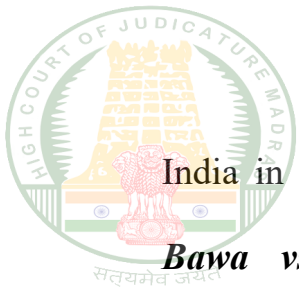
For Petitioner(s): Mr.R.Ramesh

For Respondent(s): Sole respondent - died
Batta Due - Respondents

ORDER

Challenging the impugned judgment and decree passed in RCA No.14 of 2023 by the learned Subordinate Court, Ambattur reversing the judgment and decree passed in RCOP.No.59 of 2016 by the learned District Munsif, Ambattur, the Revision Petitioner/landlord had preferred this Civil Revision Petition.

2.Before the Rent Controller, the Revision Petitioner, as a landlord initiated the eviction proceedings in RCOP.No.59 of 2016 under Sec.10(2)(v) and 10(3)(a)(iii) of Tamil Nadu Buildings (Lease and Rent Control) Act, and to vacate and deliver vacant possession of the shop in the petition schedule property for developing and continuing his business in his own premises for owner's occupation and on the ground of nuisance. The respondent appeared in the said petition and submitted their objections. On hearing both sides, the learned Rent Controller has held that the requirement of petition premises for the own use and occupation of the petitioner to develop the stationary business and for that, the Revision Petitioner/landlord needs place to continue his business. Therefore, by relying the ratio laid down by the Supreme Court of



India in the *vide Appeal No.9941 of 2014 in the case of Bhupinder Singh*

Bawa vs. Asha Devi, the learned Rent Controller had allowed the petition on

the ground of own use, but not inclined to grant the relief of nuisance on 17.03.2021. Aggrieved over that findings, the tenant had preferred appeal in RCA No.14 of 2023. On analysing entire facts, the appellate authority had held that at the time of issuing notice, initially, the landlord seeking premises for repair of demised premises and subsequently, he filed a petition seeking for owner's occupation as such is erroneous one and also held that the landlord is having many shops in that premises. Therefore, the ground raised for eviction as such is not bonafide. Accordingly, it was dismissed. Aggrieved over that, this Civil Revision Petition has been preferred.

3.The learned counsel for Revision Petitioner/landlord had prayed to set aside the said findings by raising the following grounds :-

(i) The first appellate court came to a finding that the owner's occupation of the revision petitioner is not established and hence, the appeal is fit to be allowed, is illegal and contrary to the law.

(ii) The learned first appellate court misunderstood and came to conclusion that the landlord is running the stationery business in the same building, hence, there is no necessity to evict the tenant from the building premises, which is unjustifiable in the eye of law.

(iii) The learned first appellate court failed to consider that the landlord is residing in the rear portion of the building and rented out



the front portion to the respondent and other two tenants to run the business, however, the petitioner/landlord failed to establish that the front portion of the building was also required for his own purpose, hence, the appeal was allowed, which is contrary to law and facts.

(iv) The learned first appellate court failed to consider that each and every rented premises is approximately comes around 100 sq.ft. totaling hardly it comes around 300 sq.ft. but the first appellate court presumed that each and every rented premises would be an extent of 300 sq.ft. So, the land not required 900 sq.ft. in total to run the stationery business in the ground floor by vacating all the three tenants, it is unsustainable in the eye of law.

(v) The learned first appellate court miserably failed to consider that the landlord issued a legal notice dated 19.04.2016 demanding the respondent evict the premises since the building would be demolished and reconstructed for his own occupation and subsequently filed case for owner's occupation, but the first appellate court without applying mind and simply dismissed the case it is unjustifiable in the eye of law.

(vi) The learned first appellate court miserably failed to consider the fact that the respondent/tenant not established their contention of alternative accommodation for the petitioner/landlord to run his own business there, further the respondent/tenant not filed any



documentary evidence or not adduced any oral evidence that the petitioner/landlord is having alternative accommodation and the first appellate court simply justified the order passed by the trial court, which is against law.

4. Considering his submissions and on perusal of records, the fact reveals that the learned Rent Controller has ordered for eviction by relying the documents submitted on side of revision petitioner, on the other hand, the respondent/tenant has not produced any document to show that the revision petitioner is having alternative accommodation. In spite of that, the appellate court has allowed the appeal based on the assumption as such is erroneous one. Furthermore, each and every tenanted premises would be an extent of 300 sq.ft. of land and it is necessarily required for petitioner's occupation and having valid license for the shop to run stationery business in his own building, which is marked as Ex.P4. Therefore, the reason assigned by the appellate judge is erroneous one. But, without considering all these implications, the appellate authority had allowed the appeal. However, the learned Rent Controller has rightly appreciated all the documentary evidence and rightly granted the relief, which requires no interference. Accordingly, the findings rendered by the first appellate court in RCA No. 14 of 2025 is set aside and the findings rendered by the trial court in RCOP.No.59 of 2016 is confirmed. The respondent/tenant is directed to vacate the premises within a period of four weeks from the date of



receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected Civil Miscellaneous Petition in CMP No.21920 of 2025 is allowed.

12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

1. Sub-Court, Ambattur.
2. District Munsif Court, Ambattur.



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T.V.THAMILSELVI J.

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