



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 19.02.2026

Judgment pronounced on : 27.02.2026

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.4830 of 2025
& CMP.No.24333 of 2025
& CMP.No.28902 of 2025

Dr.V.R.S.Sampath

.. Petitioner

Vs.

S.Sriram (Died)

1.Meenakshi Sivaramakrishnan

2.Nalini Sriram

3.Nikhil Sriram

[Amended as per order dated 21.12.2020 in M.P.No.195 of 2019]

.. Respondents

Prayer: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act, 1960, to set aside the fair and decreetal order passed by the VII Small Causes Court, Chennai in RCA.No.55 of 2024 dated 30.04.2025, confirming the fair order and decree passed by the XII Small Causes Court, Chennai in RCOP.No.1613 of 2016 dated 06.12.2023.

For Petitioner : Mr.A.Thiagarajan
Senior Counsel
for Mr.S.Ramesh Kumar



For Respondents : Mr.A.Rajendra Kumar

WEB COPY

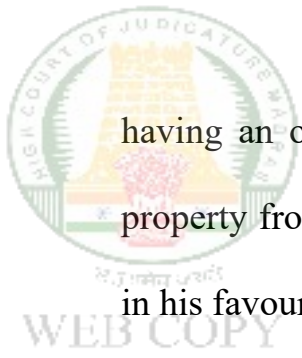
ORDER

The tenant is the revision petitioner, aggrieved by the concurrent findings of the learned Rent Controller and the Appellate Authority, ordering eviction under Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

2.I have heard Mr.S.Ramesh, learned counsel for the petitioner/tenant and Mr.A.Rajendra Kumar, learned counsel for the respondents/caveaters.

3.Before proceeding to decide the revision on merits, it would be necessary to record that after hearing the learned counsel for the parties, I had indicated that there was no merit in the revision and at that juncture, the learned counsel for the petitioner sought for time to get instructions regarding a reasonable time to vacate the tenanted premises. However, subsequently, the learned counsel for the revision petitioner has not been able to report to the Court with regard to the time required to vacate. Hence, I have proceeded to decide the revision on merits.

4.The RCOP was filed for eviction, on the ground of own use and occupation in respect of residential premises. The case of the landlord before the Rent Controller was that the petitioner is a tenant under the erstwhile owner, one E.N.Shahul Ahamed, for



having an office in the petition premises. The respondent/landlord has purchased the property from the said E.N.Shahul Ahamed and the petitioner has also attorned tenancy in his favour.

5. According to the learned counsel for the revision petitioner, the petitioner is residing with his family in a rented building in Luz Avenue, Mylapore and his landlord is constantly pressurizing him to vacate from the tenanted premises. Hence, the petitioner sought for eviction, on the ground of own use and occupation.

6. The eviction petition was resisted by the petitioner herein contending that he is in the business of Sattakadir Law and Human Rights Journal and the petitioner conducts various seminars and programmes for NGOs. The requirement of the premises is not bonafide, as can be seen from the petition averments, where there is a clear indication that the landlord is only interested in higher rent. The petitioner alone has been maintaining the property in good condition and has incurred Rs.5 lakhs to even render the premises to a habitable condition.

7. Both the parties led evidence before the Rent Controller and the Rent Controller found the requirement of the respondents to be bonafide and ordered eviction. Challenging the same, the petitioner preferred a Rent Control Appeal. The Appellate

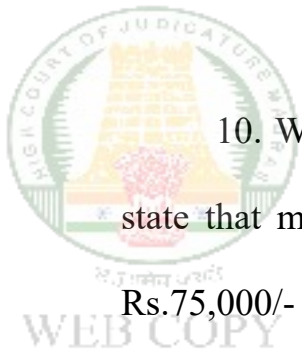


Authority, on an independent consideration of the pleadings and evidence, concurred with the findings of the learned Rent Controller and dismissed the appeal.

WEB COPY

8. The learned counsel for the petitioner would state that the petitioner cannot seek the building, which has been let out for non-residential purposes, for residential use and the same is impermissible under the provisions of the Act. He would further state that the landlords' requirement is also not bonafide, as even in the RCOP petition, the petitioner has stated that the property would fetch a rent of Rs.75,000/- per month. He would therefore state that the Courts below have erred in appreciating the pleadings and evidence in a proper perspective. He would therefore pray for the revision petition being allowed.

9. Per contra, Mr.A.Rajendra Kumar, learned counsel appearing for the respondents would state that the mere quoting of wrong provision of law, namely Section 10(3)(a)(iii) instead of 10(3)(a)(i) of the Act cannot be fatal, as in the counter affidavit also, the petitioner has not denied the fact that the premises can be used by the landlord and his family for residential use and therefore, when specific averments were made only with regard to the requirement of the premises for residential use, the landlord cannot be non suited on this ground.



10. With regard to the bonafides, the learned counsel for the respondents would state that merely because the petitioner has mentioned that the property would fetch Rs.75,000/- would not make the requirement malafide, as a proper reading of the petition would only indicate that the respondents had only set out the value of the property and they never demanded any higher rent from the petitioner. He would therefore pray for dismissal of the revision petition.

11. I have carefully considered the submissions advanced by the learned counsel for the parties.

12. The petitioner came to Court with a case in the RCOP petition that the respondents are tenants and making use of the property for non residential purposes, namely running Sattakadir and other law journals. The property is admittedly a residential flat and not a non residential premises. Mere use of the residential flat for commercial purposes will not disentitle the landlord to seek recovery of the said portion for residential use.

13. Even with regard to misquoting of provision of law, no doubt, the petitioner ought to have invoked Section 10(3)(a)(i), when he seeks recovery of the property from the tenant on the ground of own use and occupation for residential purposes. However, merely because a wrong provision of law, namely Section 10(3)(a)(iii) of the Act which

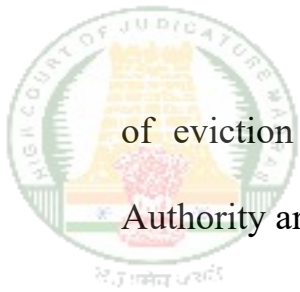


pertains to non residential premises, has been quoted, in my considered opinion, it will not render the petition not maintainable or be fatal to the case of the landlord.

WEB COPY

14. Even in the pleadings, there is a clear and specific reference to the fact that the property is a residential flat and the requirement is only for residential purposes. The petitioner therefore was put on notice about the said requirement and therefore, no serious prejudice is caused to the petitioner, on the ground that the respondents have invoked Section 10(3)(a)(iii) instead of Section 10(3)(a)(i) of the Act.

15. Even as regards bonafides also, as rightly contended by the learned counsel for the respondents, I do not see any lack of bonafides on the part of the petitioner in approaching the Court under Section 10(3) of the Act. The mere fact that the respondents have chosen to aver in the petition that the property, which is under the occupation of the petitioner would easily fetch Rs.75,000/- cannot be read in isolation. By making such a statement, the respondents/landlords have only reserved their right to seek for fixing of fair rent, which is a statutory right available to the landlord. Merely because the landlords have parallelly sought for recovery of possession, by invoking the provisions of Section 10(3) of the Act, it will not affect the bonafide of the landlord. Therefore, I am unable to countenance the submissions of the learned counsel for the petitioner that the requirement and the respondents was not bonafide. For all the above reasons, the order



of eviction passed by the learned Rent Controller and affirmed by the Appellate Authority are confirmed.

WEB COPY

16. In fine, the Civil Revision Petition is dismissed. The petitioner shall vacate and hand over tenanted premises on or before 30.06.2026. There shall be no order as to costs. CMP.No.28902 of 2025 is dismissed and CMP.No.24333 of 2025 is closed.

27.02.2026

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



THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2026
CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.4830 of 2025
& CMP.No.24333 of 2025
& CMP.No.28902 of 2025

Dr.V.R.S.Sampath

.. Petitioner

Vs.

S.Sriram (Died)

1.Meenakshi Sivaramakrishnan

2.Nalini Sriram

3.Nikhil Sriram

[Amended as per order dated 21.12.2020 in M.P.No.195 of 2019]

.. Respondents

Prayer: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings Lease and Rent Control Act, 1960, to set aside the fair and decreetal order passed by the VII Small Causes Court, Chennai in RCA.No.55 of 2024 dated 30.04.2025, confirming the fair order and decree passed by the XII Small Causes Court, Chennai in RCOP.No.1613 of 2016 dated 06.12.2023.

For Petitioner : Mr. A.Thiagarajan
Senior Counsel
for Mr.S.Ramesh Kumar

For Respondents : Mr.A.Rajendra Kumar



ORDER

WEB COPY

After pronouncement of the order, Dr.A.Thyagarajan, learned Senior Counsel for Mr.S.Ramesh Kumar, learned counsel for the revision petitioner would seek for further time. He would also bring to my notice that the tenant has already approached the Government for allotting vacant portions available in the shopping complex constructed by the Government. He would therefore seek for atleast six months time.

2.The learned counsel appearing for the respondents /landlords would oppose the said request and state that the time granted by this Court upto June 2026, is more than sufficient.

3.However, considering the bonafide steps already initiated by the petitioner to move out from the tenanted premises and also in view of the necessary Government communication that has been produced before me, I am inclined to grant six month time to the petitioner, by end of August 2026. The petitioner shall file an affidavit of undertaking, within a period of 10 days, that he shall not seek any further time under any pretext whatsoever and shall peacefully hand over vacant possession to the respondent/landlord, without driving the respondents/landlords to forcible eviction, by filing Execution Petition.

27.02.2026



ata

WEB COPY

To

- 1.The VII Small Causes Court, Chennai.
- 2.The XII Small Causes Court, Chennai.



WEB COPY



P.B.BALAJI.J.

ata

Pre-delivery order made in
CRP.No.4830 of 2025
& CMP.No.24333 of 2025
& CMP.No.28902 of 2025

27.02.2026