



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 19.02.2026

Judgment pronounced on : 27.02.2026

CORAM

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

CRP.No.3050 of 2025
& CMP.No.1067 of 2026
& CMP.No.17125 of 2025

G.Mohan @ Mohanendran

.. Petitioner

Vs.

Durgabai Deshmukh Mahila Sabha
 Formerly known as Andhra Mahila Sabha
 Represented by its Additional Secretary,
 No.10, Dr.Durgabai Deshmukh Road,
 Raja Annamalaipuram,
 Chennai – 600 028.

.. Respondent

Prayer: Civil Revision Petition filed under Section 25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the judgment and decree passed in R.C.A.No.68 of 2024 on the file of the VII Judge (FAC) Court of Small Causes, Chennai, dated 24.04.2025 as confirmed in R.C.O.P.No.1487 of 2018 on the file of X Judge, Court of Small Causes, Chennai dated 18.09.2024.

For Petitioner : Mr.V.Manohar

For Respondent : M/s.Apparajitha Vishwanath



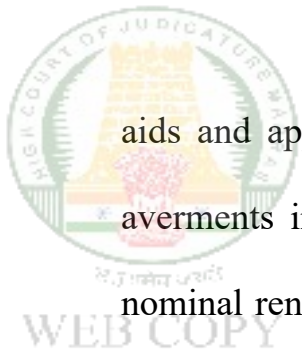
ORDER

The tenant, who has suffered concurrently before the Rent Controller, as well as the Appellate Authority, is the revision petitioner.

2.I have heard Mr.V.Manohar, learned counsel for the revision petitioner and M/s.Aparajitha Vishwanath, learned counsel for the respondent.

3.Mr.V.Manohar, learned counsel appearing for the revision petitioner would submit that the Courts below have committed a concurrent error in entertaining the eviction petition in the first place, since it was a case of a composite lease, which is exempt from the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. He would further state that even otherwise the respondent was lacking in bonafides and had not occupied other vacant portions and made only therefore, the requirement for own use and occupation was clearly malafide and with an intention to some how or the other evict the petitioner from the tenanted premises.

4.The learned counsel for the petitioner, referring to the petition filed in RCOP, would state that the petitioner has admitted that prior to letting out the property to the petitioner, the petitioner had set up a workshop by installing machinery and raw materials for the purposes of aiding children afflicted with Polio for whom Orthopedic



aids and appliances were manufactured in the said workshop. He would rely on the averments in the petition to contend that the petitioner was let out the workshop on nominal rent and therefore, it is a case of a composite lease falling outside the purview of the Rent Control Act. He would also refer to admission of P.W.1 that the machineries left behind by the respondent were being only used by the petitioner. It is therefore the submission of the learned counsel for the petitioner that when it was the admitted case of the landlord that the lease was composite, the eviction petition itself should have been thrown out as not been maintainable. He would also state that the invocation of Section 10(3)(b) is also not maintainable as the respondent is already in occupation of a portion of the property and ought to have invoked Section 10(3)(c) and not 10(3)(b).

5.Per contra, M/s.Aparajitha Vishwanath, learned counsel appearing for the respondent would state that the petitioner is a unit of Andhra Mahila Sabha and the petitioner works for the upliftment and welfare of children afflicted with Polio. She would state that the petitioner had requested the landlord to provide the place for manufacturing and selling of equipments, which were also related to rehabilitation of Polio affected children and children born with deformities and therefore, the petitioner's request was favourably considered and he was inducted as a tenant. The learned counsel for the respondent would further state that it is not a case of composite lease, as contended by the learned counsel for the petitioner and the RCOP was very much maintainable and further, the respondent is in dire need of space for expansion of their



laudable objects to address and alleviate the difficulties and concerns of internally challenged persons and the Rent Controller, as well as the Appellate Authority have rightly ordered eviction, rejecting all contentions of the petitioner. She would therefore pray for dismissal of the revision.

6. Even with regard to the attack on bonafides, the learned counsel for the respondent would state that as landlord, the choice and sufficiency are factors for the landlord to decide and not for the tenant to dictate and therefore, mere non occupation of some portions will not in any manner affect the bonafides of the petitioner.

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

8. With regard to the revision petition being not maintainable, on the ground that the lease is a composite lease, though the arguments of the learned counsel for the petitioner appear to be fanciful at first blush, I do not see any merit in the said submissions. No doubt, the respondent, as landlord, was running a workshop in the petition premises from 1969, by installing machineries. In the RCOP, paragraph No.5 assumes significance, the same is extracted hereunder:

“5. The petitioner is in bonafide need of the building let out to the respondent, the respondent had not vacated the same. The petitioner is very much in need of the premises, in view of the change in rehabilitation initiatives to be taken up for the welfare of the said



children and adults and petitioner's bonafide requirement of space to start such projects. Particularly for the purpose of sheltered workshop for mentally and physically challenged children. The petitioner had issued a legal notice dated 3 X SCC, CHENNAI RCOP.No.1487 of 2018 07.05.2015 requested the respondent to vacate and deliver the schedule mentioned property for their own bonafide requirement. The respondent gave reply notice dated 28.05.2015 making various vexatious and untenable allegations and declined to vacate the property. The petitioner was making repeated oral requests to the respondent since the petitioner was hard pressed for finding appropriate accommodation for carrying on its various activities as stated above. But the respondent continued to ignore the bonafide requests of the petitioner and failed to vacate the building. The respondent is refusing to vacate only with malafide reasons due to which the petitioner is unable to implement its various projects for want of suitable accommodation. Thereafter the petitioner issued a legal notice dated 07.09.2018 again requesting the respondent to vacate and deliver the schedule mentioned property for their own bonafide requirement. The respondent had sent a reply dated 06.10.2018 with all false and vexatious allegations and the respondent failed to comply with the request under the above circumstances, the petitioner is left with no other alternative but to file above petition."

9.The petitioner only states that the management was finding it difficult to run the workshop and therefore, they decided to give it to an individual to run the said workshop at a nominal rent. However, the very next sentence assumes great significance. It clearly states that at that point of time, the respondent requested the petitioner to give the building to him to manufacture and sell aids, appliances and equipments related to the rehabilitation of the Polio affected children and children born with deformities. It is not the case of the landlord that the building, together with the machineries installed, were leased to the petitioner, as a going concern. Thus, I do not see any merit in the contention that the lease was composite in nature.



10. It is only the building, that has been let out and even assuming the respondent had left the machineries in the premises and it has been used or being used by the petitioner as part of his manufacturing activity, it will not make the lease a composite one and thereby take it out of the purview of the Rent Control Act. Therefore, I do not see how the pleadings or the evidence which have been strongly relied on by the learned counsel for the petitioner will in any manner affect the maintainability of the RCOP.

11. In fact, I find that this plea was not even taken in the counter affidavit and the petitioner had submitted to the jurisdiction of the Rent Controller. Therefore, viewed from any angle, I am unable to accept the argument of the learned counsel for the petitioner that the lease in question is a composite lease and thereby the revision petition is not maintainable and this aspect has been rightly gone into by the Appellate Authority, as it has been raised in the grounds of appeal and the Appellate Authority has also come to the right conclusion that the RCOP is maintainable. I do not see any grounds to interfere with the said findings arrived at by the Appellate Authority.

12. Even as regard bonafides, the Courts have discussed the evidence adduced by the landlord and found that the non occupation of other portions for the stated purpose have been satisfactorily explained and rejected the contention of the petitioner on the ground that it is not for the tenant to dictate which portion is suitable for the purposes of



own occupation to the landlord. Even on this ground, I do not see how the petitioner is entitled to any relief.

WEB COPY

13. With regard to the contention that the RCOP should have been filed under Section 10(3)(c), as the landlord is in occupation of portion of the premises, and find such a ground has been raised for the first time in the written submissions filed by the revision petitioner. It has not been taken in the counter statement before the Rent Controller or in the grounds of appeal before the Appellate Authority, or even in the memorandum of grounds of revision before this Court. In the light of the above, I am unable to even entertain the said argument at this juncture. For all the above reasons, I do not see any merit in the revision petition, warranting interference with the well considered concurrent findings of the Rent Controller and the Appellate Authority.

14. In fine, the Civil Revision Petition is dismissed. The petitioner/tenant shall vacate and hand over vacant possession by 30.04.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

27.02.2026

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



WEB COPY



P.B.BALAJI.J,

ata

To

- 1.The VII Judge (FAC) Court of Small Causes, Chennai.
2. The X Judge, Court of Small Causes, Chennai.

Pre-delivery order made in
CRP.No.3050 of 2025
& CMP.No.1067 of 2026
& CMP.No.17125 of 2025

27.02.2026