



CRP.No.5553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :19.11.2025

PRONOUNCED ON :06.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5553 of 2025
and CMP.No.27839 of 2025

Church of Word,
Rep. By its Pastor,
Mr.John Venkatesan,
S/o.Late Sankarapandian,
Door No.158, Strahans Road,
Chennai – 600 010.

... Petitioner

vs.

K.Dhanajayan

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 01.09.2025 passed in M.P.No.4 of 2025 in RLTOP.No.198 of 2024 (pending on the file of the XI Court of Small Causes, Chennai.

For Petitioner : Mr.V.Sivakumar

for M/s.P.B.Ramanujam Associates

For Respondent : Mr.V.Chandrakanthan

for Caveator



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J U D G M E N T

The Civil Revision Petition is filed challenging the order passed by the Rent Court dismissing the application filed by the petitioner/tenant seeking dismissal of the main RLTOP filed by the respondent/landlord seeking repossession of the demised premises under Section 21(2) (a) of the Tamil Nadu Regulations of Rights and Responsibilities of Landlord and Tenant Act, 2017 (hereinafter referred to as TNRRRLT Act).

2. The respondent herein filed main original petition seeking repossession on the ground that the petitioner failed to enter into rental agreement as per provisions of TNRRRLT Act. The petitioner/tenant filed an application under Section 37(1) (j) of TNRRRLT Act, seeking dismissal of the main original petition on the ground that originally the site of the demised premises was let out to the petitioner on 11.03.1992 with an understanding that the petitioner could put up a superstructure thereon to run the Church. Therefore, according to the petitioner, no building was let out to it and therefore, the petition for repossession filed by the respondent in respect of the building under TNRRRLT Act is not maintainable.



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3. The Rent Court dismissed the application on the ground that the question whether the building was let out to the petitioner or only vacant site was let out to the petitioner was a matter to be decided at the time of final disposal of the case based on evidence. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner would submit that a bare perusal of the rental agreement filed along with the main original petition by the respondent would establish that what was let out to the petitioner was only a vacant site and no building was let out. In such circumstances, the petition filed by the respondent for repossession of the building under TNRRRLT Act is not at all maintainable and the same is liable to be dismissed based on the averment found in the main original petition and the documents filed along with the said petition.

5. The learned counsel appearing for the respondent would submit that any objection as to the maintainability of the main original petition could be raised by the petitioner in his counter to the main original petition and the same shall be considered along with other issues at the time of final



disposal of the original petition and the present petition for dismissal of the main original petition on preliminary issue is not at all maintainable.

According to him, there is no enabling provision in the TNRRRLT Act to reject the original petition as in the case of Order VII Rule 11 of CPC and he relied on the order passed by this Court in CRP.Nos.976 and 977 of 2020 in this regard.

6. A cursory look at the averment contained in the original petition would indicate that the respondent clearly admitted that there was lease deed between the petitioner and the respondent on 11.03.1992 and the said lease was for a period of eleven months commencing from 11.03.1992. It was further averred that no fresh lease agreement was entered into between the petitioner and respondent. Therefore, the petitioner was liable to be evicted under Section 21(2) (a) of the TNRRRLT Act. Further, it was also admitted by the respondent that as per the terms of original lease deed, the petitioner was permitted to put up a temporary thatched shed for running a church and violating the same, the petitioner had put up a permanent pucca construction contrary to the terms of the lease deed. Therefore, it is clear, the building that stands in the petition mentioned property was put up by the petitioner. The lease agreement dated 11.03.1992 was filed as first document along

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with main original petition. A perusal of the same would indicate only vacant site was leased out to the petitioner with permission to put up the thatched shed for running a church. Even in the schedule to the rental agreement, the property was described only as a vacant land. Therefore, it is beyond any doubt that the respondent only leased out a vacant site to the petitioner with permission to put up a temporary superstructure for running a church and it is further admitted by the respondent that a pucca construction had been put up by the petitioner. Therefore, the subject matter of the lease between the petitioner and the respondent was only a vacant site not a building. In such circumstances, the provisions of TNRRRLT Act, 2017 cannot be invoked at all. The said conclusion can be reached based on the averments found in the main original petition filed by the respondent and the documents filed along with main original petition without reference to any other document. Therefore, on the face of it, the main original petition filed by the respondent is not at all maintainable.

7. Section (2) (f) of TNRRRLT Act, 2017 reads as follows:

“(f) “premises” means any building or part of a building which is, or is intended to be, let separately for the



purpose of residence or for commercial or for educational use, except for industrial use and includes— (i) the garden, grounds and out-houses, if any, appertaining to such building or part of the building; (ii) any fitting to such building or part of the building for the more beneficial enjoyment thereof, but does not include hotel, lodging house, dharamshala or inn, or the like.”

8. Section 21(2) of TNRRRLT Act, 2017, enables the landlord to file a petition for repossession of the premises on the ground enumerated thereon. When the expression ‘premises’ is defined as ‘building or part of the building’, by no stretch of imagination, the vacant land cannot be treated as a ‘premises’ within the meaning of TNRRRLT Act.

9. Therefore, I have no hesitation in coming to the conclusion that the petition filed by the respondent seeking repossession of building under Section 21(2) (a) of TNRRRLT Act is not at all maintainable, when no building was let out to the petitioner and only vacant land was let out to him.



10. There is some force in the contention raised by the learned counsel for the respondent that there is no provision in the TNRRRLT Act, enabling the rejection of the main original petition even before full-fledged enquiry similar to Order VII Rule 11 available in Code of Civil Procedure. However, in the case on hand, on the face of the averment contained in the original petition and the documents filed along with original petition, it is clear that TNRRRLT Act cannot be invoked for taking repossession of the building constructed by the petitioner on the vacant land leased out to him. Though in the lease deed subject matter of lease was described as a vacant land, in the schedule of property to original petition subject matter of petition was described as “premises” which means building or part of the building within the meaning of TNRRRLT Act. Hence, it is clear, the respondent who leased out vacant land to the petitioner with permission to put up superstructure, try to take repossession of building put up by the petitioner by invoking the provisions of TNRRRLT Act and the same is not permissible. The employment of word “premises” in the original petition schedule as against “vacant land” used in lease deed is a result of ingenious drafting so as to attract provision of TNRRRLT Act. This Court while exercising supervisory power can take note of such ingenious drafting and strike out the original petition which is not maintainable on the face of it.



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11. In view of the undisputed fact as narrated above, this Court is inclined to exercise the supervisory power under Article 227 of Constitution of India to reject the original petition as not maintainable. When the writing on the wall is very clear, it is highly inequitable to relegate the parties to undergo the ordeal of full-fledged enquiry before the Rent Court. Hence, in view of the above said reasons, this Civil Revision Petition stands allowed and the main original petition is ordered to be rejected. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2026

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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The XI Court of Small Causes,
Chennai.



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S.SOUNTHAR, J.

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