



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.(NPD).No.4781 of 2025

&

C.M.P.No.24176 of 2025

Amritharaj

S/o. Arumugam,

No. 20, Kanagammal Kovil Street,

Mannarguid, Thiruvarur District.

... Petitioner

Vs.

Gurunathan (Died)

Kuruvammal (Died)

1. Amutha,

W/o. Late. Gurunathan,

O.A.-1, R.P.S. Colony, 1st Street,

Mannarkudi Municipality,

Mannarkudi Town, Thiruvarur District.

2.Sankaralingam,

S/o.Late.Gurunathan,

O.A.-1, R.P.S. Colony 1st Street,

Mannarkudi Municipality,

Mannarkudi Town, Thiruvarur District.

3.Arunkannadhasan,

S/o. Late. Gurunathan,

O.A.-1, R.P.S. Colony, 1st Street,

Mannarkudi Municipality,

Mannarkudi Town, Thiruvarur District.

... Respondents

Prayer:- Civil Revision Petition has been filed under Section 25(1) of Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, to set aside the fair and decretal the order dated 15.07.2024 passed in R.C.A.No.05 of 2015 on the file of the Rent Control Appellate Authority/Subordinate Court, Mannarkudi confirming the order dated 07.04.2015 passed in I.A.No.02 of 2015 in



R.C.O.P.No.13 of 2012 on the file of the Rent Controller/District Munsif Court, Mannarkudi, by allowing this Civil Revision Petition.

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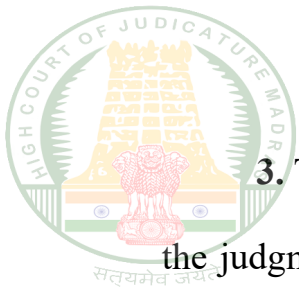
For Petitioner: Mr.M.Rajkumar

For Respondents: Mr.T.S.N.Prabhakaran

ORDER

The petitioner is a tenant, challenging the dismissal of the appeal preferred by him against the order under Section 11(4) application, filed by the respondent landlord, pending in R.C.O.P.No.13 of 2012, before the Rent Controller-cum- District Munsif, Mannarkudi.

2. The Learned Rent Controller allowed the Section 11(4) application filed by the respondent landlord, finding that the petitioner is in arrears of Rs.1,45,500/-. The petitioner preferred an appeal in R.C.A.No.5 of 2015 before the Appellate Authority, Sub Court, Mannarkudi. 50% of the arrears came to be deposited in pursuance of a conditional order passed by the Appellate Authority, which is not in dispute. Thereafter, the petitioner has moved the Court seeking permission to deposit the monthly rents and an additional typed set of papers was also filed to evidence the fact that the entire rent payable from 2015 onwards upto 2022 has been deposited every month without any default.



3. The learned counsel for the petitioner would also invite my attention to the judgment of the Appellate authority, which also acknowledges the fact that the rental payments for the year 2024 have also been deposited, proof of which has been submitted by way of a memo before the Appellate Authority. The Appellate Authority has also recorded the finding at paragraph 5.2 of the judgment.

4. Ultimately, the Appellate Authority found that there was no error committed by the Rent Controller in allowing the Section 11(4) application. Even otherwise, the tenant has not deposited the rent at least until the disposal of the RCA and 50% came to be deposited only in furtherance of the condition order for grant of stay. Therefore, I am not inclined to interfere with the findings of the Appellant Authority confirming the order passed by the Rent Controller in Section 11(4) application, which has consequently resulted in the order of eviction being passed.

5. The learned counsel for the respondent, Mr.T.S.N.Prabhakaran has serious objection for grant of any time to the petitioner tenant. According to the landlord, the tenant has not been in physical possession of the property for more than three years.



6. In support of the said submission, Mr.T.S.N.Prabhakaran has also invited my attention to the EB consumption records to show that minimum electricity consumption charges alone are levied for the tenanted premises.

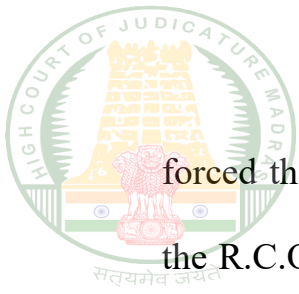
7. In the light of the above, I am inclined to dismiss the revision with the following directions.

(i) The rents deposited by the petitioner tenant shall be withdrawn by the respondent landlord upon taking out a formal application which shall not be opposed by the petitioner tenant.

(ii) The petitioner shall remove all his belongings inside the premises, if any, and hand over vacant possession by 28.02.2026.

(iii) If the petitioner vacates and handover vacant possession by 28.02.2026, the landlord shall not claim further arrears from June 2024 onwards. There shall be no claim for any refund of advance. All issues are hereby settled and shall be mutually resolved.

8. The Learned Counsel for the petitioner would also state that the R.C.O.P is still pending on account of the Section 11(4) order being challenged and further, that the building is in a very highly dilapidated condition, which



forced the petitioner to stay away. In my considered opinion, the pendency of the R.C.O.P, is of no effect or available to the petitioner, since once the Section 11(4) application is ordered and confirmed by the Appellate Authority and now confirmed by this Court, it naturally entails a consequential order of eviction being passed in the R.C.O.P. With regard to the building being dilapidated, the petitioner has admittedly approached the Court for not only on the ground of default but also on the ground of owner's occupation.

9. Therefore, it is for the lookout of the respondent landlord to use the property in any manner he may deem fit and proper, and it is not for the tenant to dictate terms.

10. With this above directions, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

21-01-2026

Index:Yes/No.

Neutral Citation:Yes/No.

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To,

1. The Rent Control Appellate Authority/Subordinate Court, Mannarkudi.
2. The Rent Controller/District Munsif Court, Mannarkudi.



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P.B.BALAJI, J.
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**C.R.P.(NPD)No. 4781 of 2025
& CMP NO. 24176 OF 2025**

21-01-2026