

C.R.P.(MD) No.784 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

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P.D.Ponnusamy (died)

1.P.D.P.Chinnadurai

2.P.D.P.Mohan

3.P.D.P.Stephen Subburaj

4.P.D.P.Vels Raja

... Petitioners 1 to 4/ Appellants
2 to 5/LRs of deceased
petitioner

Vs.

Soosai Raj

... Respondent/Respondent/
Respondent/Tenant

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order passed in R.C.A.No.1 of 2010 dated 19.03.2020 on the file of the Rent Control Appellate Authority (Sub Court), Valliyoor confirming the order passed in R.C.O.P.No.1 of 2004, dated 22.01.2010 on the file of the Rent Controller (Principal District Munsif), Valliyoor.

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For Petitioner : Mr.S.H.Arumugam

For Respondent : Mr.J.Barathan

JUDGMENT

(Judgment of the Court was made by R.Kalaimathi, J.)

Challenge is made to the Order passed in R.C.A.No.1 of 2010 dated 19.03.2020 on the file of the Rent Control Appellate Authority (Subordinate Court), Valliyoor. This Civil Revision Petition is preferred by the petitioners.

2. The parties are indicated herein as per their litigative status before the Tribunal.

3. According to the petitioners, the petition-mentioned property along with other properties were purchased by Lourdammal from Gnanam Bhoopalarayar by way of registered sale deed dated 18.06.1985. After the said sale, the revenue records were mutated in the name of Lourdammal and patta was transferred in her name. The first petitioner purchased the schedule mentioned property by a registered



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sale deed from Lourdammal on 04.08.1988. On 05.08.1988, a new lease deed was created with Siluvaidurai after negotiation. The tenancy is oral and monthly rent was fixed at Rs.150/- as per the English Calendar month and he agreed to pay the monthly rent on or before 5th of every succeeding English calendar month. The said tenant Siluvaidurai willfully defaulted in payment of rent to the petitioner. Hence, a suit in O.S.No.325 of 1990 was laid for recovery of possession and for arrears of rent before the District Munsif Court, Valliyoor.

3.1. Pending suit, as the tenant died in the year 1988, his legal heirs were brought on record as respondents. The schedule mentioned property was allotted to the respondent in the family arrangement. Hence, he has been arrayed as sole respondent in the petition. The petitioner is running a rice shop in a building at 38, Santhai Street, Valliyoor. The petitioner is in need of scheduled building. Despite repeated demands made by the petitioner, as the respondent did not vacate the petition-mentioned property, the petition was laid under Section 10(2)(1) and 10(3)a(iii) of the Tamil Nadu Building (Lease and Rent Control) Act, 1960.

4. The sole respondent, *per contra*, would *inter alia* contend that



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the petitioner filed R.C.O.P.No.7 of 1996 and it was not proceeded

WEB COPY further. The petitioner did not possess and enjoy the petition-mentioned property. The petitioner filed suit in O.S.No.325 of 1990 for ejectment of respondent and it was dismissed on merits. No appeal was preferred against the said judgment. Thatched roof of the schedule mentioned property belongs to him and on that score, R.C.O.P is not maintainable. The land originally belonged to Bharathakula people and Gnana Boopalarayar had given the land for rent to Siluvaidurai on behalf of Bharathakula people. The said Gnanam Boopalarayar illegally sold the suit property to his wife. The possession of the suit property was not handed over to the said Lourdammal. Gnanam Boopalarayar till his death had been receiving the rent on behalf of Bharathakula society and after his death, his son was receiving the rent. There was no landlord-tenant relationship between Lourdammal and the respondent and no rent was collected by Lourdammal from the respondent.

5. At trial, on the petitioner's side, three witnesses were examined and three documents were marked. On the respondent's side, one witness was examined and two documents were marked.

6. The Rent Controller, Valliyoor (Principal District Munsif,



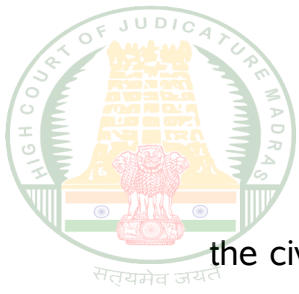
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Valliyoor), upon consideration of oral and documentary evidence and

after hearing the arguments advanced by either side, dismissed R.C.O.P. No.1 of 2004. Aggrieved, the petitioner preferred appeal in R.C.A.No.1 of 2010 before the Rent Control Appellate Authority (Subordinate Court), Valliyoor. The Rent Control Appellate Authority, upon consideration of records by holding that the petitioner has failed to prove the landlord-tenant relationship between the petitioner and the respondent and therefore, the petitioner is not entitled to an order of eviction and dismissed the Appeal by confirming the Order passed by the Rent Controller, Valliyoor in R.C.O.P.No.1 of 2004 dated 22.01.2010.

7. Originally the petitioner filed a Civil Suit in O.S.No.325 of 1990 before the District Munsif Court, Valliyoor, for the rent and recovery of possession from the respondent and it came to be dismissed. No appeal was preferred against the said judgment and decree.

8. The claim of the petitioner is that he is the landlord and the respondent is the tenant under him. But the same has been negated in O.S.No.325 of 1990. When the suit for recovery and possession was negated in a civil suit, then the suit was filed for ejectment and it was also dismissed. When the relief sought in R.C.O.P is already decided by



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the civil suit, then the filing of very R.C.O.P by the petitioner itself is not maintainable in law.

9. Appreciating the said details, the Rent Controller as well as the Rent Control Appellate Authority have dismissed the petition/appeal in a right perspective. The proper recourse upon the petitioner is to prefer Appeal against the judgment and decree passed in O.S.No.325 of 1990 by the District Munsif, Valliyoor and not to file a petition for the same relief.

10. In such a view of the matter, this Court does not find any perversity or infirmity in the finding of the Rent Control Appellate Authority. This Court also does not find any good reason to upset the finding of the Rent Control Appellate Authority, Valliyoor.

11. Based on the aforesaid observations and discussions, this Civil Revision Petition stands dismissed. No Costs.

[G.R.S., J.]

[R.K.M., J.]



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Index : Yes/No
Internet : Yes/No
NCC : Yes/No
apd

To

1. The Rent Control Appellate Authority (Sub Court),
Valliyoor.
2. The Rent Controller (Principal District Munsif),
Valliyoor.



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