

V. G. Panneerdas And Co.

Vs

Swadesamitran Ltd.

Special Leave Petition (Civil) No. 8863 of 1986

(CJI R. S. Pathak, Ranganath Misra JJ)

21.04.1987

ORDER

1. This application for special leave under Article 136 of the Constitution is directed against the revisional order of the Madras High Court dated August 5, 1986 upholding the order passed by the Appellate Authority under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (hereinafter referred to as 'the Act').
2. The petitioner is a tenant of about 7000 sq. ft. in the ground floor of the premises known as the Victory House situated on the Mount Road in Madras on a monthly rent of Rs. 7000. The respondent-landlord applied for the petitioner's eviction on the ground that the building had become more than a century old and was no longer safe for the tenant to occupy and, therefore, the building had to be pulled down and a new one raised. There were several tenants in the premises who, realising the genuineness of the landlord's stand, volunteered to vacate and surrender possession. The petitioner, however, refused to do so. The respondent-landlord had ultimately to ask for eviction under Section 14(1)(b) of the Act for the purpose of demolition and reconstruction. The petitioner maintained that he was in possession of the premises from 1971 and the Managing Director of the respondent had agreed to renew the lease for a period of 10 years and the petitioner had deposited a sum of Rs. 21,000. It was further maintained that the respondent had offered to sell the land and the building measuring 10 grounds for a consideration of Rs. 20 lakhs to the petitioner but subsequently backed out and filed the application for eviction. The petitioner further claimed that the building did not require demolition or reconstruction. On the other hand the respondent wanted to turn out the petitioner from occupation with a view to raising the consideration amount for selling portions of the property. The petitioner raised an additional contention that the Managing Director had no authority to institute the proceeding.
3. The Rent Controller dismissed the application. On appeal, the Appellate Authority examined the entire material on record and on an appropriate analysis thereof came to hold that the application for eviction had to be granted. He accordingly decreed eviction. The petitioner went before the High Court challenging the appellate order of eviction and reiterated its objections to the maintainability of the application for eviction. The High Court found that building was an old one. The learned Judge observed :

I am of the view that the question as to the age of the building and whether it requires demolition and reconstruction is a question of fact and since the Appellate Authority has come to the conclusion that the building is an old one and it requires demolition and reconstruction, it is unnecessary for this Court to go again into this question. We have to hold that the building requires demolition.

The learned Judge recorded a further finding to the following effect :

That apart, the landlord has demolished the rear portion of the Victory House and also the upstairs portion of the demised premises, which would support the case of the landlord that the condition of the building was not good. The other tenants like Indian Airlines etc. have vacated the building excepting the petitioner. PW 3 in his evidence has specifically stated that the condition of the building is bad. On a reading of the evidence adduced by the parties regarding the age and condition of the building, and taking into consideration the fact, that the rear portion and also the upstairs portion of the demised premises were demolished and keeping in view the evidence of PW 3 we have to hold that the respondent (landlord) had satisfactorily established that the building requires demolition and reconstruction.

The High Court also found that the respondent's claim was bona fide. There is material on record that the petitioner has a newly constructed spacious building on the same road at some distance from the Victory House. In the facts and circumstances found by the High Court, we see no justification to interfere in a case of this type by grant of special leave. The order of the High Court in just and proper and the special leave petition is accordingly dismissed but without any order for costs.

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