

2025:PHHC:129590



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-3740-2013(O&M)

Reserved on 19.08.2025

Date of pronouncement: September 18, 2025

M/s Pinky Crockery House and another

...Petitioners

Versus

Amarjit Kaur and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Chetan Mittal, Senior Advocate with
Mr.Kunal Mulwani and Mr.Vikas Thakur, Advocates
for the petitioners.

Mr.Aalok Jagga, Mr.Karan Inder Singh,
Mr.Sahil Lohan and Mr.Harkirat Jagdev, Advocates
for the respondents.

ARCHANA PURI, J.

The petitioners-tenant have invoked the revisional jurisdiction of this Court under Section 15(5) of the East Punjab Urban Rent Restriction Act, thereby, assailing the order dated 27.07.2010 as well as order dated 05.11.2010, passed by the Courts below, thereby, ordering eviction of the petitioners-tenant.

The essential facts, to be noticed, in nutshell are as follows:-

That, respondents-landlords had filed the ejectment petition thereby, asserting that they are owners of SCO No.409-410, Sector-35C, Chandigarh

and the petitioners are the tenants in the basement portion, on the monthly rent of Rs.1800/- per month. Besides the same, they were also liable to pay the water and electricity charges, in advance on 7th day of each English calendar month. Therein, it was also asserted that initially, the landlords filed petition for seeking ejectment of the tenant, which was since withdrawn, on account of gazette notification having issued by the government.

Suffice to consider that the landlords had filed the petition for seeking eviction of the tenant, thereby, asserting that they are not in occupation of spacious commercial accommodation in basement floor nor they had vacated any such premises, after commencement of the Act, within the urban area of Chandigarh. As such, the five landlords intend to augment their income by commencing business of general store, pertaining to computer, communication and information technology, for which the basement floor was ideal. Furthermore, they asserted that the upper story did not have the equivalent space and they also fetched higher rent. They require small area for customer dealing on upper floor and larger area was required for storage purposes in the basement. Since, the basement attracted lesser tenants on cheaper rates, the landlords did not consider it economically viable to occupy the upper stories.

In the petition, the landlords also asserted about the manner, in which, the landlords were carrying on their work and that another landlord Anmol Sidhu had left for Canada to manage his affairs, till the demised premises is vacated. Further averments were made about the prime location of the demised premises and also about the occupation of the portion of upper

stories, to be not commercially viable, as business would not yield good income initially. Besides the necessity for bonafide use and occupation of the landlords, the respondents-landlords had also asserted about the basement floor which was meant for storage and godown, being used by the tenant for the purposes of shop, contrary to the terms and conditions of the allotment as well as the rent agreement and on account of misuse by the tenant, the Estate Officer cancelled the lease and the landlord were preferring an appeal before the Chief Administrator. The tenant had no right to misuse the premises, as it would affect the title of the landlords. The use of the premises by the tenant, as such, had materially impaired the value and utility of the premises and also the entire building, in which the premises was situated. Cancellation of lease deed would reduce the value of the building drastically and invite action under the Public Premises (Eviction of Unauthorised Occupants) Act, depriving the landlords of the rent. The tenants were also sought to be evicted, on the ground of change of user and non-payment of rent.

Upon notice, the tenant made appearance and filed reply, thereby, raising preliminary objections, with regard to the maintainability of the petition, suppression of material facts, estoppel, cause of action, mis-joinder of landlords No.2 and 3. Besides the same, also assertion was made about the dismissal of the previous rent petition, between the parties bearing No.593 of 1996 and the same was suppressed by the landlords and their only intention was to increase the rent and harass the tenant. Even, landlords No.2 and 3 were asserted to be not necessary/proper parties.

Also, further it was asserted that the petition was liable to be

dismissed, in view of the notification dated 07.11.2002 of Chandigarh Administration. The site has been resumed by the Estate Officer, who was not impleaded as party. The premises was given on rent in September 1981 for storage purposes and was being used by the tenant for the same purpose. The landlords connived with the Estate Office and got issued notice in order to evict the tenant, by abusing the process of law. The landlords had re-let the premises to the new tenants, after vacation by the previous tenants.

The ground floor portion, which was let out to Balbir Sales Corporation was got vacated and again let out to Sagar Ratna Restaurant. The landlords falsely claimed that they were not in occupation of any accommodation on basement floor nor they had vacated it without sufficient cause, after commencement of the Act. In fact, earlier also they had filed petition on the ground of personal necessity to harass the tenants and the portions which were got vacated, had been re-let to various persons on enhanced rent. Further detail, with regard to the extent of rent payable was also given. The manner of the landlords carrying on their avocation, as such, was also stated therein. Specifically, it was asserted that the basement was being used for storage purposes, since 1981 and the rent was regularly paid.

On the basis of the pleadings, the following issues were framed:-

- “1. *Whether the petitioner requires the demised premises for bonafide use and occupation?OPP*
2. *Whether the respondents are using the premises contrary to law, if so, its effects?OPR*

3. *Whether the respondents have changed the user of the demised premises?OPR*
4. *Whether the respondents are liable to be evicted from the demised premises?OPP*
5. *Whether the present petition is not maintainable?OPR*
6. *Whether the petitioner has no cause of action to file the present petition?OPR.”*
7. *Whether the petition is bad for misjoinder of the petitioners No.2 and 3 neither being necessary nor proper parties in this case?OPR*
8. *Relief.”*

To substantiate their claim, the landlords examined PW-1 Sumeet Sidhu as well as PW-2 Manoranjan Singh, another landlord and they had deposed in consonance the pleaded case.

In rebuttal, tenant-Harish Chander, proprietor of M/s Pinky Crockery House, himself stepped into witness box as RW-8 and further also examined, as many as 9 witnesses i.e. RW-1 Reena Tanwar, Clerk, Office of Home Finance Department, U.T., RW-2 Shamahitro Sain, Asst. Chief Architect, RW-3 Parveen Mittal, SIE Office of Estate Office, RW-4 Rajeev Gulati, Senior Assistant, Estate Office RW-5 Paritosh Manda, Manager, M/s Sagar Ratan Restaurant, PW-6 Vipin Kumar, JE, Estate Office, RW-9 Nitin Kumar Sahu, Clerk, office of Chief Administrator and RW-10 Ashok Kumar, Senior Assistant, Office of District and Sessions Judge, Chandigarh, who proved various official record as summoned. Besides the same, tenant also examined RW-7 Gurdial Singh, proprietor of M/s Punjab Tent House.

On appraisal of the evidence, brought on record, learned Rent

Controller decided issues No.1, 5, 6 and 7, against the tenant and issue No.2 to 4 were decided in favour of the tenants and ultimately, ordered eviction of the tenant, on the ground of personal necessity.

Being aggrieved, the tenant filed the appeal. Even, landlords had filed the cross-appeal. After hearing both the counsel for the parties, learned Appellate Authority, vide impugned judgment, decided both the appeals, whereby, finding with regard to issues No.2 and 3 were reversed and thus, ordered eviction of the tenant, on the ground of personal necessity as well as ground of material impairment of value and utility of the demised premises and also, on the ground of change of user.

Thereupon, being dissatisfied, the tenant filed the revision petition in hand.

Counsel for the parties heard.

At the very outset, learned counsel for the petitioners-tenant assiduously contended that the Courts below have failed to appraise the evidence in correct perspective. The concurrent findings, qua personal necessity have been reached, while giving amiss to the necessary ingredients to establish the same, having not come forth. Furthermore, counsel submitted that the availability of enough space with the landlords has been overlooked and also the Courts did not take into consideration the non-disclosure of the previous petition filed, which was dismissed and another petition filed on the ground of personal necessity, having withdrawn, at a later stage. Even, the findings qua change of user, misuse and impairment of value and utility are erroneous, which manifestly appear to be unjust. To emphasise upon the bonafide requirement to be '**genuine**', '**honest**' and not

a 'mere desire' or 'wish', learned counsel has relied upon plethora of case law, which need not to be reproduced herein. Suffice to consider that it is settled proposition of law, as submitted by learned counsel, which need not to be dilated any further.

However, on the other hand, learned counsel for the respondents-landlords, though, do not dispute about the settled law about the 'need' projected to be 'genuine', 'honest' and that it should not be 'mere desire', but he asserts that the Courts below have meticulously appraised the evidence, while keeping in view the aforesaid principle of law. He made reference to the findings recorded by the Courts below, on various grounds for seeking eviction and sums up that the order of eviction calls for no further interference.

The grounds pleaded for eviction were non-payment of rent, personal necessity, change of user and material impairment of value and utility of the demised premises.

So far as, ground non-payment of rent is concerned, it was not pressed upon, in view of the evidence, brought on record, about payment of rent by filing petition under Section 31 of the Punjab Relief of Indebtedness Act. Suffice to take note of the statement got recorded by the counsel for the landlords on 13.06.2006, during the pendency of the ejection petition that since, the tenant had paid the rent to the landlords, now the parties are not at issue regarding the tenant in arrears of rent, on the date of filing of the petition. As such, this ground never survived for adjudication.

Undisputedly, the rent agreement dated 07.09.1981 was executed between the tenant and the landlords, which is Ex.RA. Clause 5 of

the said rent agreement, reads as herein given:-

“That the tenant shall use the above premises only for the storage of crockery items and for no other purpose except with the prior consent of the landlords in writing.”

This clause makes amply clear that the basement was taken only for the storage of crockery items. That being so, it is also necessary to note that in the reply filed to eviction petition, the tenants also asserted about the same to be the purpose of giving the basement on rent to tenant in September 1981 and tenants were using the basement for the same purpose, since 1981. However, during the course of evidence, the tenants build the case that ever since, taking the basement on rent, the same is used for the sale of crockery items and that is permissible under rules and falls under the category of ‘general trade’. The purpose of use, as such, is not disputed by the tenant, though, the user is not in consonance with the recitals of the rent agreement and furthermore, change is also not with the prior consent of the landlords in writing. Thus, there is contravention and misuse of the demised premises by selling crockery and precisely, this led to resumption order dated 25.11.2004 Ex.P1 passed by the Land Acquisition Officer (exercising the powers of Estate Officer), Chandigarh. Paragraph No.2 of the said order states the basis for passing the resumption order, which is reproduced, as herein given:-

“The site has been inspected and found that the said site is being used for the purpose other than specified i.e. Basement is being used for sale of crockery items.”

An appeal was filed by the landlords before the Appellate

Authority-Chief Administrator, Chandigarh Administration, which is Ex.P2. Therein, it was asserted about the contravention of the contractual as well as statutory conditions, at the instance of the tenant and the landlords/lessor terminated the tenancy and filed the eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act. Therein also, it was asserted that subsequently, the notification was issued by the government, where under, all the premises, which were carrying rent @ more than Rs.1500/- per month, were exempted from the provisions of the Act. The demised premises, as such, came under the purview of Transfer of Property Act. The landlords (appellants in appeal), accordingly, served a fresh notice of termination of tenancy, specifically inviting attention of the tenant. However, tenant continued to misuse as well as violated the directions of the Estate Officer, as a result thereof, the appeal was dismissed on 15.07.2009. Even, in the inspection report Ex.RW6/1, column No.8 mentions that 'basement is used as shop against the sanctioned plan'. The present status of violation was depicted as 'still existing'. No doubt, there are other objections also pointed out, but they were sanctionable and could be rectified. However, the act of misuse of basement, is being perpetuated by the tenant, willfully, intentionally and knowingly that it will lead to serious consequences of putting the landlords to peril of resumption, which in fact, did lead to the cancellation of allotment/lease in favour of the landlords.

Considering this manner of misuse, which led to resumption, learned Appellate Authority had rightly held about the same to be a case of impairment of value and utility of the premises by the tenant. By changing the user, the tenant has caused irreparable loss to the landlords, who have

been forced into litigation. Though, much emphasis has been laid upon other violations in the building, but the same are sanctionable and compoundable and this in itself, otherwise also, did not give licence/permit to the tenant to perpetuate illegality.

Learned counsel for the petitioners-tenant also laid much emphasis upon the testimonies of witnesses examined by the tenant, who proved the various notifications and thereupon, submitted that the basement is habitable and therefore, there is no misuse. However, resumption order had been passed, which stood affirmed by the Appellate Authority, by virtue of dismissal of the appeals filed by the landlords as well as the tenant. The question of resumption order, to be good or bad, is not within the purview of the rent authorities. Relating to the same, separate proceedings, ought to be instituted. Herein, the Appellate Authority has rightly considered the ground pleaded. Perusal of Ex.P1 clearly states about premises resumed, on account of sale of crockery items. Though, much emphasis has been laid upon the testimonies of official witnesses i.e. RW-1 to RW-6, RW-9 and RW-10, to support that as per notifications, the basement could be used for habitable purposes, but however, it be noticed that there is clear violation of the basement having taken for storage and it being used for the sale purpose, since 1981, as per the case put forth by the petitioners themselves. However, clear cut requirement as observed in Ex.RA has been violated. The alleged waiver by the landlords or acquiescence, as asserted, since it is being used since 1981, for the sale of crockery, will not, in any manner, do away with the requisite recital of Ex.RA.

In order to save the building from resumption, landlords are

certainly entitled to evict the tenants. It has been appropriately considered by the Appellate Authority that no doubt, the tenant may change the use, if no prejudice is caused to the landlords. However, in the case in hand, change of use by the tenant did cause grave prejudice to the landlords and same had resulted in resumption of the entire building. The landlords shall be deprived of the property as well as rent earlier received. Consequently, the reversal of the findings, on issues No.2 and 3, was correctly made by learned Appellate Authority.

The other ground pleaded for eviction is that the landlords required the demised premises for their bonafide use and occupation. The maintainability of the petition is questioned, as the same is second petition for seeking eviction, on the ground of personal necessity, whereas, the first petition, on the same ground was withdrawn. Though, it is asserted that there is suppression of the fact of earlier petition filed on the same ground, but however, in this regard, suffice to make reference to paragraph No.2 of the eviction petition, where there is justification coming forth for the withdrawal and filing of the fresh petition. It states about the issuance of the gazette notification, as per which, the tenancies carrying monthly rental of more than Rs.1500/-, were exempted from the operation of The East Punjab Urban Rent Restriction Act and consequently, the premises in question, with the monthly rent of Rs.1800/-, was covered under the provisions of Transfer of Property Act. Consequently, it states about the withdrawal of the petition.

Not only this, further it also states about the notification having stayed by the Hon'ble Supreme Court (which was later on quashed) and as per the current subsisting legal position, the present petition was filed. This

explains that withdrawal was not voluntary, but due to operation and change of law, which in no manner, hampers the interest of the landlord. It was under constrained circumstances faced, that petition was withdrawn and disclosure about the same, as such, has been appropriately made in the present petition.

However, the extent of '**need**' with the passage of time has changed. In the previous petition, the eviction was sought as the landlords intended to open a showroom in SCO in question, in which they wished to open a big departmental store, with several division to cater office equipments/stationery, besides computers and also to cater and tap the flourishing market of consumer products. It was in this context, eviction was sought of the tenant in question and other tenants. However, subsequently, the '**need**' became restricted only to the basement, for the purpose of storage and to have small general store, pertaining to computer, communication, information technology etc., where basement is to be kept for storage and small portion in the upper story, could be used for customer dealing. The '**need**', as such, has also undergone a change.

Even, it is necessary to consider that in the reply to the eviction petition, the tenant had raised the objection about the present eviction petition to be not maintainable, on account of gazette notification dated 07.11.2002, thereby, seeking dismissal of the eviction petition, on account of aforesaid notification. Even, an application was also filed qua the same objection, which was eventually withdrawn on 17.11.2016 by making a statement by counsel for the tenant, in view of quashing of the notification by the Hon'ble Supreme Court. Therefore, now the question to dispute the

maintainability of the present eviction petition, as such, does not arise.

Considering the juxtaposition of the landlords, beneficial reference is made to ***Devinder Singh and others vs. M/s Society Jewellers and another, 2021 (1) RCR (Rent) 244***, wherein, similar objection was raised, with regard to the landlords withdrawing the petition, in view of the same notification and it was observed, as herein given:-

“Neither of the two Courts understood or noted the fact that the statement was made by the petitioners for allowing of the appeal in favour of the tenant only on account of notification dated 07.11.2002, which exempted the building from operation of the Rent Act, as the monthly rent of the same was more than Rs.1500/-. No doubt, the petitioners-landlord made an error in making the statement as the said order of eviction had been passed much prior to the coming of the notification dated 07.11.2002, but the same was his bona fide mis-judgment and thereafter, the innocent landlord, in all his innocence, proceeded to file the suit in spite of having succeeded in the eviction petition. During pendency of the suit, the said notification was struck down by the Apex Court on 07.11.2006 and under these circumstances, the petitioners had to once again withdraw the suit to file the present rent petition. In these circumstances, it cannot be more unjust and unfair to say that the petitioners cannot now pursue the eviction petition as the same amounts to res judicata. This will render the landlord without any remedy. The principle of res judicata will therefore not be applicable to a subsequent rent petition filed on account of change of law.”

Thus, no longer, on this account, the tenant can question the maintainability.

Even *res judicata* would not apply because of the changed circumstances, need and requirements of the landlords. Earlier, 'need' of the landlords, in the previous eviction petition filed against the tenant was with regard to the opening of showroom, in whole of SCO No.409-410, Sector-35, Chandigarh, in which, they wish to open a big departmental store with several divisions to cater office equipments/stationery besides computers....., whereas, in the subsequent eviction petition, the 'need' has been confined only to basement for the purposes of storage and to have a small general store, pertaining to computer, communication and information technology, where basement is to be kept for storage and small portion in the upper story, could be used for customer dealing. It is coming forth in the evidence about one of the landlords to be transacting business in small portion on the upper story.

Otherwise also, the plea of *res judicata* is not applicable in case of personal necessity. Suffice to make reference to *Surjit Kaur vs. Pushpinder Singh Behl, 2006(2) RCR (Civil) 811*, *Devki Rani and others vs. Nirmal Singh, 2009(7) RCR (Civil) 502* and *S.Kapoor Industries and others vs. Mohan Singh, 2018(2) RCR (Rent) 86*.

Even, much emphasis has been laid upon the dismissal of the rent petition No.625 dated 04.11.1996 against another tenant-M/s Punjab Tent House, which was dismissed vide order dated 06.10.2000 by the Rent Controller and plea of personal requirement has been rejected.

Gurdial Singh, proprietor of M/s Punjab Tent House, has been examined as RW-7 and he deposed about being in occupation of half portion of the demised premises and further has also deposed about the litigation

initiated at the instance of the landlords and the same was dismissed. Further also, he has deposed about other half portion to be in possession of Balbir Sales Corporation and he was got evicted from the demised premises and the same was rented out to Sagar Ratna immediately, after two months of the eviction order. However, so far as, dismissal of the eviction petition, vis-a-vis, M/s Punjab Tent House is concerned, it cannot be treated to be *res judicata*, as it was qua different tenant. Those proceedings were also for different part of the premises i.e. ground floor and at that time, the landlords had decided to open departmental/stationery store, besides computers, for which they required the ground floor also. Furthermore, this case is also distinguishable from the facts and circumstances of the case as, in the same, it was observed that the landlords had not asserted about upper story of the demised premises to be not suitable for starting their computer education centre and on this account, the Presiding Officer concluded about the alleged requirement of the landlords to be not bonafide. The Rent Controller was also of the view that since other parts of the building was got vacated and it is not the case of the landlords that they could not be put to use and since, they had not opened the venture, therefore, the petition was dismissed.

However, in the case in hand, the landlords have categorically explained the requirement of the basement, only for the storage purposes, which cannot be undertaken on the ground, first or second floor and appropriate reason for the same has also been given. Furthermore, the aspect of commercial viability, on account of fetching of higher rent, as such, has also been given therein. Considering the same, in no manner, the

ground of personal necessity, set up in the previous petition, hampers the claim of the landlords, in the present eviction petition.

No doubt, as brought to the notice of the Courts below that the landlords had also re-let part of the premises, which was got vacated, during the pendency of the present eviction petition and the lease deeds have been brought on record, but however, these lease deeds, pertain to the part of the premises, which is existing on ground or second floor, whereas, the requirement in the case in hand, is of the basement for the storage. Specific justification has been given for seeking eviction of the basement, on account of availability of the space for storage, which is only possible in the basement and therefore, considering the '**need**' as asserted, in the previous petition, which has diluted, on account of same having been withdrawn and subsequently, present petition having filed, the '**need**' at present is only with regard to the basement, as asserted and thus, re-let of the premises, on account of earlier '**need**' having fizzled out, regarding the ground of personal necessity, in the previous petition, as such, does not matter much.

Proceeding further, it be noticed that two witnesses have been examined by the landlords. PW-1 Sumeet Sidhu and PW-2 Manoranjan Singh. They have categorically deposed about the personal necessity of the landlords, in consonance with the pleaded case. The detail therein given, has been reiterated about the constrained circumstances, whereby, all the landlords are carrying on their vocation and one of them, having also gone to Canada to manage affairs, till the period, when the demised premises is vacated.

Though, much emphasis has been laid upon the rent agreement to

have been executed by respondents No.1, 4 and 5 and respondents No.2 and 3, having not executed the same, but however, suffice to consider that PW-2 Manoranjan Singh is the landlord-respondent No.4 and he has deposed about the requirement of the premises by the landlords. He has faced cross-examination and any incriminating circumstance coming forth, in the cross-examination, has been specifically explained, with regard to the need of the premises. In these circumstances, when the 'need', as such, is substantially proved, it matters not much, about other landlords, not stepping into witness box.

Thus, summing upon the question of 'need', it is settled position of law that landlord is best judge of his need and if the landlord is alleging that the demised premises is suitable place to start his business, then the tenant, as such, has no business to direct the landlord to utilize the other available space, which he has again let out. Even, the re-let of the space on the first and second floor, as such, has also been satisfactorily explained by the landlord, due to the change of circumstances, with regard to need also. Even if, alternative accommodation was available, it is for the landlord to decide as to how and in what manner, he should fulfill his requirement. The tenant cannot dictate terms to his landlord, as to how the latter should adjust himself. The mere fact that another portion fell vacant, during the pendency of the proceedings and the same was let out by the landlord, would not be a ground to reject the eviction application of the landlord, on the ground of personal requirement.

In this regard, reference is made to *Rani Devi and others vs. Shakuntla Devi and others, 2009(2) RCR (Rent) 218*, wherein, it was held

as herein given:-

“14. The mere fact that the landlord had rented out one room in the disputed house to one Babu Ram during the pendency of the case would not disentitle the landlord from seeking eviction of the tenant on the ground of personal necessity. Even if alternative accommodation was available, it is for the landlord to decide as to how and in what manner he should fulfil his requirement. The tenant cannot dictate terms to his landlord as to how the latter should adjust his family and, hence, this argument of the counsel for the petitioners is devoid of any merit. In Hans Raj's case (supra) it was held that the mere fact that another portion fell vacant during pendency of proceedings and the same was let out by the landlord, the same would not be a ground to reject the eviction application of the landlord on the ground of personal requirement.”

It is also not the part of a Court's duty to examine, whether the business to be set up, would be successful or not in the tenanted premises. The success or otherwise of a proposed business, lies in the realm of speculation and the Court abjure speculative conclusions. The choice of the premises, the nature or the extent thereof, rests solely with the landlord. A Court cannot, while examining the evidence, impose its own perception of the nature, extent or choice of the landlord.....

Considering the same and also about the commercial viability, when the shops on the upper story, are fetching higher rent, as asserted by the landlords, then equity is in favour of the landlords, not to seek eviction of tenants from the shops, which are on the ground, first and second floor of the building.

In *Sarla Ahuja Vs. United India Insurance Co. Ltd., 1998(8) SCC 119*, it was held as under: -

“When a landlord asserts that he requires his building for his own occupation the Rent Controller shall not proceed on the presumption that the requirement is not bona fide. When other conditions of the clause are satisfied and when the landlord shows a prima facie case it is open to the Rent Controller to draw a presumption that the requirement of the landlord is bona fide. It is often said by courts that it is not for the tenant to dictate terms to the landlord as to how else he can adjust himself without getting possession of the tenanted premises. While deciding the question of bona fides of the requirement of the landlord it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted himself.”

In *Maganlal Vs. Nanasaheb 2009(1) Civil Court Cases 102 (SC)*, it was observed, as herein given: -

“This Court in Sait Nagjee Purushotham & Co. Ltd. v. Vimalabai Prabhulal & Ors. (2005) 8 SCC 252 held that it is always a prerogative of the landlord that if he requires the premises in question for his bona fide use for expansion of business, this is no ground to say that the landlords are already having their business at Chennai and Hyderabad, therefore, it is not genuine need. Further, it is held that it is not the tenant who can dictate the terms to the landlord and advise him what he should do and what he should not. It is always the privilege of the landlord to choose the nature of the business and the place of the business.”

Besides respecting the ‘**need**’, as projected by the landlords, it ought to be noticed that tenant asserts about the landlords to be in the habit

of evicting the tenants and further re-letting the same. In this regard, suffice to consider Sub-section 4 of Section 13 of the *ibid* Act. Perusal of the same clearly provides the safeguard by the legislature, that if the landlord or his family, for whose benefit eviction was obtained, fails to occupy the premises for a continuous period of 12 months, from the date of obtaining possession or where he puts that building to any use or let it out to any tenant, other than the tenant evicted from it, the tenant who has been evicted may apply to the Controller, for an order and direction that he shall be restored to possession of any such building. This safeguard itself is another reason to presume that the need of the landlord is genuine and bonafide.

Considering the circumstances and the evidence as adduced, this Court concludes that there is no reason to interfere with the findings recorded by the Courts below, on the question of bonafide requirement, as well as of the Appellate Authority, qua change of user and impairment of value and utility of the demised premises. Thus, the impugned orders do not warrant interference.

Hence, the present revision petition is hereby dismissed.

The pending civil misc. applications, if any, shall stand disposed of.

September 18, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No