

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

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THE HONOURABLE **Mr. JUSTICE K.KALYANASUNDARAM**

CRP.(PD).Nos.1276 and 1277 of 2015

K.T.Somasundaram

.. Petitioner in both C.R.Ps

Vs

Muniappan

..Respondent in both CRPs.

PRAYER IN BOTH CRPS: These Civil Revision Petitions filed under Article 227 of the Constitution of India to issue appropriate direction to the House Rent Controller and District Munsif at Coimbatore to proceed with the rent control proceedings in RCOP.Nos.166 of 2007 and 64 of 2008 and dispose of the same within any reasonable time frame.

For Petitioner : M/s.K.G.Vasudevan

COMMON ORDER

These civil revision petitions have been filed praying for direction to dispose of the R.C.O.P.Nos.166 of 2007 and 64 of 2008 pending on the file of the Rent Controller, 1st Additional District Munsif, Coimbatore.

2. It is seen that the petitioner has filed RCOP.No.166 of 2007 seeking for eviction against the respondent under Section 14(1)(B) of

the Tamil Nadu Buildings Lease and Rent control Act, 1960 and RCOP.No.64 of 2008 under Section 4 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960.

3. The respondent has filed his counter in both the petitions. In the meanwhile, the Commissioner, Corporation of Coimbatore, issued notice under Section 327 of the Coimbatore City Municipal Corporation Act, to demolish the buildings on the ground that it is in a dilapidated condition. Challenging the said order, the respondent/tenant filed a writ petition in W.P.No.8697 of 2009. When the writ petition was taken up for admission, this Court ordered notice of motion and granted interim stay on 30.04.2009.

4. It is further seen that the respondent has filed I.A.No.363 of 2014 in RCOP.No.166 of 2007 for impleading the vendor of the landlord namely, P.Vijayakumar alleging that he had paid Rs.6,25,000/- towards advance amount and therefore, he is a necessary party.

5. Mr.K.G.Vasudevan, learned counsel for the petitioner submitted that the order passed in W.P.No.8697 of 2009 is nothing to

do with issues to be decided in the original petition which are pending before the Rent Controller, but taking advantage of the order passed in W.P.No.8697 of 2009, the respondent prolonged the litigation. The learned counsel further submitted that the vendor of the landlord is not at all necessary party in the petition filed for eviction of tenant on the ground of demolition and reconstruction, however, the tenant with a malafide intention has filed the application and the delay of the trial, causes hardship and loss to the landlord.

6. It is to be noted that the writ petition has been filed by the tenant, challenging the notice of demolition issued by the Commissioner, City Municipal Corporation, Coimbatore. When the writ petition was listed for admission, this Court has ordered notice of motion and granted interim stay of the notice issued by the Corporation of Coimbatore dated 13.03.2009. This Court has not granted interim stay of the proceedings, pending before the Rent Controller. Therefore, in my considered opinion that pendency of the writ petition and the interim stay granted cannot be a ground to postpone the trial in the Rent Control Original Petitions.

K.KALYANASUNDARAM,J.,

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7. It is seen that the trial had already commenced in the original petitions in the month of September 2014 and chief examination of P.W.1 was over and the cases are posted for cross examination.

8. Considering the facts of the case and submissions made by the learned counsel for the petitioner, the learned Rent Controller (1st Additional District Munsif) Coimbatore, is directed to dispose of RCOP.Nos.166 of 2007 and 64 of 2008 as expeditiously as possible, preferably on or before 31.07.2015, on merits and in accordance with law.

9. These Civil Revision Petitions are disposed of accordingly.
No costs.

27.03.2015

kkd
Index : Yes/No
Internet : Yes/No
To
The Rent Controller,
1st Additional District Munsif,
Coimbatore.

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