

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.169 OF 2015
AND M.P.NO.1 OF 2015

S.C.Thangiah Marthandan

... Petitioner

Vs.

Parimala

... Respondent

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act against the order and decretal order dated 11.02.2014 dismissing R.C.A.No.133 of 2013 passed by the VII Rent Control Appellate Judge, Chennai confirming the order passed in M.P.No.196 of 2012 in RCOP No.796 of 2010 dated 23.11.2012.

For Petitioner : Mr.S.Jaganathan

ORDER

This Civil Revision Petition arises out of the order dated 11.02.2014 passed in R.C.A.No.133 of 2013 by the Rent Control Appellate Authority (VII Judge) Court of Small Causes, Chennai, confirming the order dated 23.11.2012

passed in M.P.No.196 of 2012 in R.C.O.P.No.796 of 2010 by the learned Rent Controller (XVI Judge) Court of Small Causes, Chennai.

2.The petitioner is the tenant. The respondent / landlady filed an Eviction Petition against the petitioner under Section 10(2)(i) and 10(3)(a)(iii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. In the Eviction Petition, the landlady has averred that the tenant has failed to pay monthly rent from the month of May 2009 to March 2010 for 11 months amounting to Rs.27,500/- and she requires the petition premises for own use and occupation of her daughter Dr.Sree Devi to run a dental clinic. The petition was resisted by the tenant contending that the rent was deliberately refused by the landlady.

3.The petitioner / tenant filed a petition in M.P.No.196 of 2012 to issue subpoena to the Commissioner of Chennai Corporation to furnish the property tax register for the properties owned by the respondent / landlady. In the said petition, the petitioner has contended that the landlady owns other properties also in Chennai and to prove the fact, the petition was filed. The landlady filed a counter affidavit stating that the documents are public documents and therefore, direction as sought for need not be given. It is further stated that the tenant can not dictate to the landlady in which property the daughter of the landlady has to run a clinic. The Rent Controller has dismissed

the petition observing that the petitioner, by filing proper application before the concerned authorities and also under the Right to Information Act, can secure the documents and it is not necessary to issue subpoena to the Commissioner of Chennai Corporation.

4. Aggrieved by the order, the petitioner filed an appeal. The appellate authority dismissed the appeal filed by the tenant holding that the order can be challenged only under Article 227 of the Constitution of India or under Section 115 of the Code of Civil Procedure.

5. Mr. S. Jaganathan, learned counsel for the petitioner has submitted that to prove the bonafide requirement of the landlady, the tenant should be given opportunity to produce the documents. It is further submitted that the Rent Controller has refused to receive the xerox copies of the documents at the time of marking and he has now obtained certified copies of the documents from the authorities.

6. It is an admitted fact that the tenant can get certified copies of the documents from the Corporation of Chennai. Now it is submitted by the learned counsel for the petitioner that the petitioner has secured certified copies from the concerned authorities.

7.Considering the aforesaid facts, I do not find any illegality or irregularity in the order impugned in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.01.2015

Index : Yes/No
Internet : Yes/No
TK

To

- 1.The Rent Control Appellate Authority (VII Judge)
Court of Small Causes,
Chennai.
- 2.The Rent Controller (XVI Judge)
Court of Small Causes,
Chennai.

K.KALYANASUNDARAM, J.

TK

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