

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.333 OF 2015
AND M.P.NO.1 OF 2015

B.Babith Kumar ... Petitioner

Vs.

1.S.Chandramohan
2.A.Haridoss ... Respondents

PRAYER: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 with a prayer to set aside the order passed in RCA No.599/2013 on the file of the VIII Judge, Court of Small Causes, Chennai by order dated 11.11.2014 and confirming the order dated 16.09.2013 passed by XIV Judge, Court of Small Causes, Chennai in RCOP No.499/2011.

For Petitioner : Mr.M.I.Md.Abusuguman

ORDER

This Civil Revision Petition arises out of the order dated 11.11.2014 passed in R.C.A.No.599 of 2013 by the Rent Control Appellate Authority (VIII Judge) Court of Small Causes, Chennai, confirming the order dated 16.09.2013

passed in R.C.O.P.No.499 of 2011 by the Rent Controller (XIV Judge), Court of Small Causes, Chennai.

2.The first respondent / landlord initiated eviction proceedings in R.C.O.P.No.499 of 2011 against the petitioner and one Mr.A.Haridoss under Section 10(2)(i) and 10(2)(ii)(a) of the Tamil Nadu Buildings (Lease and Rent Control) Act. The case of the landlord is that the petitioner was inducted as a tenant in the premises on a monthly rent of Rs.2,000/-. He failed to pay the rent from January 2010 to February 2011 amounting to Rs.28,000/-. It is averred that the petitioner, without the knowledge and consent of the landlord, had sublet the premises to the said A.Haridoss, who is the second respondent herein.

3.Pending Eviction Petition, the landlord filed M.P.No.321 of 2011 under Section 11(3) of the Tamil Nadu Buildings (Lease and Rent Control) Act seeking for a direction to the tenant to pay the arrears of rent. The tenant has contended that the monthly rent was Rs.1,500/- and he was regularly paying the rent upto January 2011, but the landlord has not issued rental receipts. It is further alleged that the landlord after issuing notice dated 17.02.2011, received rent upto April 2011 and subsequently, he demanded higher rent.

4.The Rent Controller, after considering the case of the landlord and tenant, directed the tenant to deposit rent from February 2011 to April 2011, December 2011 and January 2012 at the rate of Rs.1,500/- per month on or before 22.02.2012, vide order dated 10.02.2012. Aggrieved by the order, the tenant filed an appeal in R.C.A.No.114 of 2012. The appellate authority confirmed the order of the Rent Controller and dismissed the appeal on 03.09.2013.

5.Due to non compliance of the conditional order passed in M.P.No.321 of 2011, the Rent Controller allowed the petition and ordered eviction in the original petition on 16.09.2013. The order was challenged by the tenant in R.C.A.No.599 of 2013. The appellate authority dismissed the appeal on 11.11.2014. Challenging the order, the present Civil Revision Petition is filed.

6.Mr.M.I.Mohamed Abusuguman, learned counsel for the petitioner has submitted that the quantum of rent is in dispute, which could be decided only after the trial and therefore, the order passed in M.P.No.321 of 2011 cannot be sustained.

7.It is seen from the records that the landlord has claimed arrears of rent at the rate of Rs.2,000/- per month from January 2010 to February 2011.

It is contended by the tenant that the rent was Rs.1,500/- and he paid the rent up to January 2011. The Rent Controller, accepting the case of the tenant, directed him to deposit rent from February 2011 to April 2011, December 2011 and January 2012 at Rs.1,500/- per month. Admittedly, the petitioner has not complied with the conditional order of the Rent Controller.

8.It is settled law that the Rent Control Authority has jurisdiction to decide the quantum of rent in the petition filed under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act. In the case on hand, the Rent Controller has accepted the case of the tenant and fixed rent at Rs.1,500/- per month and also directed the tenant to pay rent only from February 2011. Even though sufficient opportunity was given to the tenant, he is not complied with the order. Hence, I do not find any illegality or perversity in the order impugned in this Civil Revision Petition.

9.In the result, 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 VIII Judge
Court of Small Causes
Chennai.

2.The XIV Judge
Court of Small Causes
Chennai .

K.KALYANASUNDARAM, J.

TK

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