

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) NO.860 OF 2015

Uma @ Govindammal

... Petitioner

Vs.

Mouhamadaby

... Respondent

**PRAYER:** Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1973 against the judgment and decree dated 09.10.2014 passed in R.C.A.No.42 of 2011 by the III Additional District Court, Pondicherry, confirming the judgment and decree dated 10.10.2011 passed in H.R.C.O.P.No.73 of 2010 before the Rent Controller, Puducherry.

For Petitioner : Ms.R.Meenal

**ORDER**

This Civil Revision Petition is directed against the judgment and decree dated 09.10.2014 passed in R.C.A.No.42 of 2011 by the learned III Additional District Judge, Pondicherry, confirming the judgment and decree dated 10.10.2011 passed in H.R.C.O.P.No.73 of 2010 by the learned Rent Controller, Puducherry.

2.The petitioner herein is the tenant and the respondent is the landlady. The petitioner filed a petition in H.R.C.O.P.No.73 of 2010 under Section 8(5) of the Pondicherry Buildings (Lease and Rent Control) Act, 1969, seeking permission to deposit the monthly rent for the demised premises for the period from October 2005 to October 2010. The Rent Controller having found that the tenant has not followed the mandatory procedure prescribed under Section 8(2) to 8(4) of the Pondicherry Buildings (Lease and Rent Control) Act, 1969 and straight away filed the petition, dismissed the petition on 10.10.2011. The order of the Rent Controller was confirmed by the appellate authority on 09.10.2014. Challenging the order, the present Civil Revision Petition is filed.

3.Heard the submissions made by Ms.R.Meenal, learned counsel for the petitioner and perused the materials available on record.

4.The Honourable Supreme Court in its judgment in ***E.PALANISAMY VS. PALANISAMY AND OTHERS [2002 (4) CTC 572]*** has considered whether strict compliance of the Section 8 of the Act is necessary or not and held as follows:

*“ The tenant legislation is normally intended for the benefit of the tenants. At the same time, it is well settled that the benefits conferred on the tenants through the relevant statutes can be enjoyed only on the*

*basis of strict compliance of the statutory provisions. Equitable consideration have to place in such matters. The statute contains express provisions. It prescribes various which a tenant is required to take. In Section 8 of the Act, the procedure to be followed by the tenant is given step by step. An earlier step is a precondition for the next step. The tenant has to observe the procedure as prescribed in the statute. A strict compliance of the procedure is necessary. The tenant cannot straight away jump to the last step. i.e. to deposit rent in Court..... “*

5.The Rent Controller, having found that the tenant has not followed the mandatory prerequisite conditions enumerated under Sections 8(2) to 8(4) of the Act, dismissed the application. The order of the Rent Controller was also confirmed by the appellate authority.

6.In the light of the judgment of the Supreme Court, I do not find any illegality or infirmity in the order impugned in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs.

**26.02.2015**  
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Index : Yes/No  
Internet : Yes/No  
TK

K.KALYANASUNDARAM, J.

TK

To

- 1.The III Additional District Judge  
Pondicherry.
- 2.The Rent Controller  
Puducherry.

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