



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 27.02.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
C.R.P(PD) (MD)Nos.351 to 353 of 2015

1.Pon Mahalingam(expired)

2.M.Palaniraj

3.M.Mohan

..Petitioners/Petitioners/Petitioners

Vs

1.R.Masilamani

..Respondent/Respondent/Respondent in
C.R.P(PD) (MD)No.351/2015

2.K.Ramar

..Respondent/Respondent/Respondent in
C.R.P(PD) (MD)No.352/2015

3.A.Ramachandran

..Respondent/Respondent/Respondent in
C.R.P(PD) (MD)No.353/2015

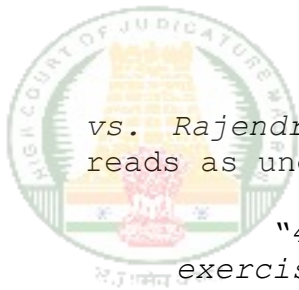
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to direct the Rent Controller and Principal District Munsif, Srivilliputhur to dispose the case in E.P.Nos.73,74 and 75 of 2014 in R.C.O.P.Nos.6,7 and 9 of 2004 respectively within the time stipulated by this Court.

For Petitioner :M/s.G.Marimuthu
in all C.R.Ps'

COMMON ORDER

The revision Petitioners are landlords who had obtained an order of eviction which was also confirmed by the appellate authorities pursuant to the order of eviction of the property in Door No.173/1, Othumalai Paradesimadam Street, Srivilliputhur which is levied for delivery of vacant possession. The court notice was served on 9.11.2014 to the respondents and on 9.1.2015, the matter was posted for their counter as there was no representation for the Petitioners. Therefore it was adjourned to 4.3.2015. Now the revisions have been filed to dispose of the Execution Petitions as expeditiously as possible.

2.These revisions have been filed without understanding the scope of Article 227 of the Constitution of India. There is no dereliction of duty by the Presiding Officer(Rent Controller). It is not also the case of the Petitioners that the Presiding Officer has not exercised his jurisdiction vested with him or exhausted the jurisdiction with him. Merely, case is adjourned to enable the respondent to file counter and a longer date is given, the Petitioners cannot rush to this Court to give a direction to the Subordinate Judiciary. This Court cannot visualize the constraints that the Subordinate Judiciary may have handling such matters. Therefore this Court cannot grant a direction to the Subordinate Judiciary to dispose of the matters as expeditiously as possible. In this situation, it is worthwhile to place reliance on a decision of the Honourable Apex Court reported in (2010) 8 Supreme Court Cases 329(Shalini Shyam Shetty .



vs. Rajendra Shankar Patil) and the relevant portion of the judgement reads as under:

"49(c) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the Court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.

(d) The parameters of interference by High Courts in exercise of their power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in Waryam Singh and the principles in Waryam Singh have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(g) Apart from the situations pointed in (e) (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversion in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted."

This decision is also followed in a similar issue by the Honourable Apex Court reported in (2013) 9 Supreme Court Cases 374 (Sameer Suresh Gupta through P.A Holder .vs. Rahul Kumar Agarwal).

3. In view of the above, there is no dereliction of duty on the part of the Presiding Officer (Rent Controller) concerned and accordingly, these Civil Revision Petitions are dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif,
(Rent Controller) Srivilliputhur.

+1cc to MR.G.MARIMUTHU, ADVOCATE IN SR : 9291

Vsn

SM : 11.03.2015 : 2p/3c

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