

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.108 of 2016

and

C.M.P.No.622 of 2016

S.M.A.Jaleel
S/o.Sikkander Maraikyar
No.21, Chandra Banu Street,
Pudupet, Chennai 600 002

... Petitioner

Vs

A.Norrudeen
S/o.Abdul Majid,
A.R.Enterprises,
No.5, Addithanar Salai,
(Harris Road), Pudupet,
Chennai 600 002

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order in M.P.No.778 of 2015 in RCOP.No.1479 of 2014 dated 09.10.2015 on the file of XI Small Causes Court, Chennai.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.K.Mukund Rao

ORDER

In view of the availability of the remedy of appeal as provided under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, this

Court questioned the propriety of invoking the power of superintendence of this Court under Article 227 of the Constitution of India. Learned counsel for the petitioner replied that the availability of remedy by way of appeal is not a bar for entertaining a revision under Article 227 of the Constitution of India, which is intended to confine the exercise of powers of the Courts below within the jurisdiction conferred on them. Normally, the extraordinary jurisdiction of the High Court under Article 226 or the power of superintendence under Article 227 of the Constitution of India will not be exercised in case an alternative remedy by way of appeal, which is effective and efficacious is available.

2. In fact, a statutory appeal has been provided against the order of the Rent Controller. When the same was pointed out, learned counsel for the petitioner sought the leave of this Court to withdraw this Civil Revision Petition with liberty to file an appeal before the Rent Control Appellate Authority.

3. Accordingly, the leave sought for is granted and the Civil Revision Petition is dismissed as withdrawn with liberty to file an appeal against the impugned order of the Rent Controller dated 09.10.2015 made in M.P.No.778 of 2015 in R.C.O.P.No.1479 of 2014. As the revision came to be filed within the time limit for filing an appeal, the appellate Authority shall entertain the appeal, if it is preferred within the period of limitation, excluding the period spent on

prosecuting this Civil Revision Petition. The learned counsel for the petitioner is permitted to take back the certified copy of the impugned order to enable the petitioner to file the appeal before the Appellate Authority. No costs. Connected miscellaneous petition is closed.

08.03.2016

Index: Yes/No
Internet: yes/No

Note: Issue order copy today (08.03.2016)

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To

The XI Small Causes Court, Chennai.

P.R.SHIVAKUMAR.J

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