

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.2871 OF 2016
AND CMP NO.14573 OF 2016

R.Lakshmanan

... Petitioner

Versus

Siva Sankara Narayanan @ Sankar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A.No.5 of 2008 in RCOP No.3 of 2003 dated 11.09.2013 by the Rent Controller / Principal District Munsif, Virudhachalam.

For Petitioner : Mr.D.Govinda Reddy
For Respondent : Mr.J.Antony Jesus

ORDER

The petitioner initiated a Rent Control Original Proceedings against the respondent in R.C.O.P.No.3 of 2003, before the Rent Controller, Virudhachalam.

2. In the said original petition, the petitioner filed an application invoking Section 11(4) of the Tamil Nadu Building (Lease and Rent Control) Act.

3. The application was opposed by the respondent by filing counter wherein a contention was taken that there is no landlord - tenancy relationship. The respondent contended that the building was put up by him and as such, he is not liable to pay the rent. The respondent further contended that the rent was adjusted towards interest payable by the petitioner to him on account of the amount spent by him for putting up the superstructure.

4. The learned Trial Judge dismissed the application on the ground that in view of the dispute raised by the petitioner, order under Section 11(4) of the Tamil Nadu Building (Lease and Rent Control) Act, cannot be passed. The said order is under challenge in this Civil Revision Petition.

5. Heard the learned counsel for the petitioner and the

learned counsel for the respondent.

6. The factual matrix indicates that the eviction petition filed by the petitioner was opposed by the respondent on the ground that there is no landlord and tenancy relationship.

7. There is no dispute that the land absolutely belongs to the petitioner. There is a building constructed in the said property. According to the petitioner, the respondent failed to pay the rent and as such, he is liable to be evicted under the provisions of the Tamil Nadu Building (Lease and Rent Control) Act. Since the respondent disputed the claim made by the petitioner with regard to the payment of rent, the Trial Court was correct in dismissing the application in I.A.No.5 of 2008. I do not find any error or illegality in the order passed by the learned Trial Judge warranting exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

8. The learned Rent Controller / Principal District Munsif, Virudhachalam is directed to dispose of the rent control original proceedings in R.C.O.P.No.3 of 2003, on merits and as per law,

uninfluenced by the observation contained in the order in I.A.No.5 of 2008, as expeditiously as possible, and in any case, on or before 31 January 2017.

9. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected civil miscellaneous petition is closed.

24.11.2016

Note: Issue copy by 05.12.2016

TK

To

The Rent Controller /
Principal District Munsif
Virudhachalam.

K.K.SASIDHARAN, J.

TK

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