

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P. No.348 of 2016

M.Vijayaragunathan

... Petitioner/Landlord

vs

1. C.M.Veena

2. C.Thery Babu

.. Respondents/Tenants

Civil Revision Petition filed under Article 227 of the Constitution of India to dispose of the RCOP No. 1164 of 2015 pending on the file of XIV Judge, Court of Small Causes at Chennai by strictly following Rule 12 of the Tamil Nadu Buildings (Lease and Rent Control) Act and the Rules laid down under the Tamil nadu (Case Flow Management in Subordinate Courts) Rules 2007 by rejecting the Memo dated 17.12.2015 filed by the respondents and dispose the RCOP within a reasonable time.

For Petitioner: Mr.R.Manickavel

For Respondents: No appearance

ORDER

Though the respondents have chosen to enter appearance through counsel, they have left the matter without representation and the counsel is also absent today. Hence, this Court deems it appropriate to hear the submissions to be made on behalf of the petitioner and pass appropriate orders.

Accordingly the arguments advanced on behalf of the petitioner are heard. Materials available in the form of typed set of papers are also perused.

2. The petitioner in the Revision Petition is the landlord and the respondents are the tenants in respect of the petition premises, a residential portion. The RCOP came to be filed for eviction on the ground of wilful default. Pending disposal of the RCOP, the petitioner landlord has also filed an application under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The respondents herein/tenants have not chosen to file their counter in the above said RCOP and also in the 11(4) application. Hence the petitioner was forced to approach this Court with the present Civil Revision Petition under Article 227 of the Constitution

of India seeking a direction to the Rent Controller to speed up the disposal of the RCOP.

3. This Court may not have any difficulty in issuing a direction to the Rent Controller to expedite the disposal of the RCOP, provided there is no petition filed under Section 11 (4) of Tamil Nadu Buildings (Lease and Rent Control) Act pending. So long as the petition under Section 11(4) of the said Act is pending, it shall not be appropriate to issue a direction for the expeditious disposal of the RCOP itself, since the trial of the RCOP will depend upon the order to be passed in the petition filed under Section 11(4) of the above said Act. In case such petition is dismissed, there shall be no impediment for proceeding with the RCOP. In case such a petition is allowed, then unless the respondents/tenants pay the arrears of rent, the RCOP proceedings have to be brought to an abrupt end striking off the defence and passing consequent order of eviction.

4. In view of the same, though the prayer is for the expeditious disposal of the RCOP, this Court moulding the relief, disposes of the CRP issuing a direction to the Rent Controller to take up the application filed under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Control) Act and dispose of the same as expeditiously as possible, in any event within one month from the date of receipt of copy of this order. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rms

To

The XIV Judge,
Court of Small Causes, Chennai.

1 cc to M/s.I.Bobby Portia, Advocate, sr.23072
+1cc to M/S.R.Manickavel, Advocate sr.22768 [21/06/2016]

C.R.P. No.348 of 2016

vd co
kra 01.06.2016