

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.532 of 2016

&

C.M.P.No.2699 of 2016

S.C.Arunachalam

... Petitioner

vs.

G.Selvaraj @ Veppadai Selvaraj

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 18.11.2015 made in I.A.No.44 of 2015 in R.C.O.P.No.17 of 2014 on the file of the learned Principal District Munsif Court, Erode.

For Petitioner : Mr.N.Manokaran

ORDER

As against the person, who claims to be the landlord of the petitioner herein in respect of the building which situates within the limits of Erode Town notified under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, the petitioner herein chose to file a suit for injunction. No interim order came to be granted by the Civil Court in the said suit. The respondent

herein preferred an eviction petition before the Rent Controller in R.C.O.P.No.17 of 2014 against the petitioner herein. The petitioner herein chose to file an application I.A.No.44 of 2015 in the said R.C.O.P praying for an order of stay, staying the proceedings of the R.C.O.P pending disposal of the suit filed by the petitioner herein on the file of the Principal District Munsif, Erode as O.S.No.598 of 2012.

2. The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 provides a comprehensive Code for the resolution of disputes between landlord and tenant even in respect of cases wherein the jural relationship of landlord and tenant is denied by the person projected as tenant. In such a case of denial, the Rent Controller has to decide whether such denial is bonafide or not. Once the Rent Controller decides that the denial is bonafide, Rent Controller loses power to decide the case for eviction. If the Rent Controller decides that the denial is not bonafide, then the Rent Controller retains the jurisdiction to decide whether the tenant can be evicted on the grounds available to the landlord as per the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. The proceedings before the Rent Controller cannot be sought to be hacked by approaching the civil Court with the prayer for injunction against the landlord not to interfere with his possession and thereafter seeking stay of the Rent Control Proceedings initiated by the landlord before ever a decision regarding the bonafide or otherwise of the denial is rendered by the Rent Controller. The application

under Section 10 of the Code of Civil Procedure for the stay of the R.C.O.P pending the suit has been filed on a misconception. The learned trial Judge has rightly held that the application filed under Section 10 of the Code of the Civil Procedure could not be allowed and the same was liable to be dismissed.

3. This Court does not find any defect or infirmity in the exercise of jurisdiction by the Rent Controller and no failure to exercise the jurisdiction conferred on the Rent Controller has been proved. There is no merit in the revision and the same deserves to be dismissed at the threshold.

4. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.02.2016

Index: Yes/No
Internet: Yes
gpa

To

The Principal District Munsif Court
Erode

P.R.SHIVAKUMAR.J.,

gpa

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