

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.785 of 2016
and C.M.P.No.4354 of 2016

M.S.Sundaralingam
S/o.Sivasankara Muthaliyar,
No.14, Pillaiyar Koil Street,
Vadapalani, Chennai 600 026

... Petitioner

Vs

1. Kalpana Furniture Products Pvt.Ltd,
Represented by Mr.Rameshkumar,
No.248, Vanagaram,
Mettukuppam Main Road, Chennai 600 095.

2. K.Rameshkumar, S/o.Kesavan

3. R.PremSagar
S/o.R.Rajagopal
Both having address at
No.248, Vanagaram,
Mettukuppam Main Road, Chennai 600 095
and also at Sagar Furniture
Old No.59/1, New No.24, Jawaharlal
Nehru Road, Vadapalani,
Chennai 600 026

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 17.11.2015 passed in M.P.Sr.No.22252 of 2015 in R.C.O.P.No.1094 of 2013 on the file of XIV Judge, Small Causes Court, Chennai.

For Petitioner : Mr.C.Umashankar

ORDER

This revision has been filed against the order passed by the Rent Controller in unnumbered miscellaneous petition S.R.No.22252 of 2015 in R.C.O.P.No.1094 of 2013 on the file of XIV Judge, Small Causes Court, Chennai. The said miscellaneous petition was filed for appointment of a Commissioner. The Rent Controller passed an order dismissing the said miscellaneous petition as not maintainable in the unnumbered stage itself. As against the said order, the petitioner preferred an appeal before the Rent Control Appellate Authority and the same was returned by the Rent Control Appellate Authority questioning the maintainability of such appeal. Thereafter, the petitioner has filed the present Civil Revision Petition under Article 227 of the Constitution of India and not against the order of the Rent Control Appellate Authority returning the appeal questioning the maintainability, but against the order of the Rent Controller dismissing the miscellaneous petition in the unnumbered stage.

2. Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 makes the order of the Rent Controller appealable and the appeal shall lie to the Appellate Authority. It does not differentiate between order of eviction and other orders. If at all, the appeal filed by the petitioner was returned questioning the

maintainability of the appeal, the petitioner ought to have re-presented the same stating how the appeal was maintainable and invited an order either admitting the appeal or rejecting the appeal petition / appeal memorandum. Thereafter, the petitioner could have approached this Court by way of a revision either under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 or invoking the power of superintendence under Article 227 of the Constitution of India.

3. Hence, the Civil Revision Petition is dismissed. The petitioner shall be at liberty to re-present the unnumbered appeal returned by the Rent Control Authority and invite an order either admitting or rejecting such appeal. No costs. Consequently, the connected miscellaneous petition is closed.

11.03.2016

Index: Yes/No

Internet: Yes/No

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To

The XIV Judge, Small Causes Court,
Chennai.

P.R.SHIVAKUMAR, J

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