

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.825 of 2016

S.Velusamy

... Petitioner

VS.

T.Malar Alagan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to fix a time frame to dispose the R.C.O.P.No.41 of 2014 on the file of the Rent Controller / Principal District Munsif, Mayiladuthurai at the earliest.

For Petitioner : Mr.J.Ravindran

For Respondent : Mr.T.Seenivasan

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying for issuing a direction to the Rent Controller / Principal District Munsif, Mayiladuthurai to dispose of R.C.O.P.No.41 of 2014 within a time to be fixed by this Court.

2. The respondent has entered appearance through counsel
The submissions made on both sides are heard.

3. Admittedly, the petitioner is the owner of the property regarding which the respondent was inducted as a tenant by virtue of an agreement dated 11.09.2008. According to the petitioner/landlord, rent was paid till December 2012 and thereafter the tenant, namely, the respondent committed willful default in payment of rent. It is also the case of the petitioner that the respondent / tenant ceased to occupy the premises and the tenant was also guilty of acts of waste and material alteration without the authorisation of the landlord. Accordingly, the said R.C.O.P came to be filed for eviction. Pending disposal of the R.C.O.P the petitioner in the revision / landlord filed an application under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 seeking a direction to the tenant to deposit the arrears of rent and continue to deposit the rent and a further order to strike off the defence in the event of his failure to comply with the direction. The said application was taken on file as I.A.No.7 of 2015. For about six months, the respondent/tenant did not file counter and an ex-parte order came to be passed on 25.09.2015. Subsequently,

the respondent filed an application I.A.No.44 of 2015 to set aside the ex-parte order dated 25.09.2015 made in I.A.No.7 of 2015. The same came to be allowed on 24.11.2015. Even, thereafter, there was no progress in the enquiry in the application, namely, I.A.No.7 of 2015, which forced the petitioner/landlord to approach this Court with the present revision petition, seeking a direction to the Rent Controller to dispose of the R.C.O.P.

4. However, learned counsel for the petitioner submits that since the application filed under Section 11(4) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 is pending, the petitioner shall be satisfied, if a direction to dispose of the said application is issued. As against the said submission, the learned counsel for the respondent cannot have any valid counter argument. In the application filed under Section 11(4) of the Act itself, the respondent/tenant has taken time more than one year and hence, there cannot be any valid objection for the respondent for this Court issuing a direction to the Rent Controller to dispose of the said application within a time to be fixed by this Court. This Court has taken such a view, in view of the limited prayer made in the Civil Revision Petition.

P.R.SHIVAKUMAR.J

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5. Accordingly, the Civil Revision Petition is allowed and the learned Rent Controller / Principal District Munsif, Mayiladuthurai is directed to take up the enquiry of I.A.No.7 of 2015 in R.C.O.P.No.41 of 2014 and dispose of the same expeditiously, in any event, on or before 15th June of 2016. No costs.

05.04.2016

(1/2)

Index: Yes/No

Internet: yes/No

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To

The Rent Controller / Principal District Munsif,
Mayiladuthurai

C.R.P (PD) No.825 of 2016