

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.4460 of 2013

and

M.P.No.1 of 2013

Anbu @ Anbalagi

... Petitioner

vs.

T.Narayanan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order of the learned XIV Judge, Court of Small Causes, Chennai dated 06.08.2013 made in M.P.No.195 of 2013 in R.C.O.P.No.1012 of 2011.

For Petitioner : Mr.V.Chandrakanthan

For Respondent : Mr.M.R.Murali

ORDER

This revision has been filed against the order of the learned Rent Controller (XIV Judge, Court of Small Causes, Chennai) dated 06.08.2013 made in M.P.No.195 of 2013 in R.C.O.P.No.1012 of 2011, allowing the said miscellaneous petition for appointment of an Advocate-Commissioner in the RCOP. As against such an order, a remedy by way of appeal is provided under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

The remedy by way of appeal is more effective and efficacious. When such an appeal remedy is available, invocation of the power of superintendence of this Court under Article 227 of the Constitution of India cannot be used as a substitute for a provision for appeal.

2. When this court pointed out the above position, learned counsel for the petitioner came forward to withdraw the civil revision petition and he seeks a direction to the Rent Controller to dispose of the RCOP, which is in the part-heard stage, within a time to be stipulated by this court. Mr.M.R.Murali, learned counsel for the respondent also submits that such a time can be fixed.

Accordingly, the civil revision petition is dismissed as withdrawn. The learned Rent Controller (XIV Assistant Judge, Court of Small Causes, Chennai) is directed to proceed with the enquiry in RCOP No.1012 of 2011 and dispose of the same, as expeditiously as possible, in any event not later than three months from the date of receipt of a copy of this order. However, there shall be no order as to cost. Consequently, the connected miscellaneous petition is closed.

29.03.2016

Index : Yes/No
Internet : Yes
asr

To

The XIV Assistant Judge, Court of Small Causes, Chennai

Note:

Issue order copy on
30.03.2016

P.R.SHIVAKUMAR, J.

asr/-

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