

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1643 to 1656 of 2017
& C.M.P.Nos.7756 to 7769 of 2017

C.R.P.(PD)No.1643 of 2017

1.M/s.Balaji Advertisement
Rep.by its Proprietor Mr.Suresh
No.1/1, Seevaram 1st street,
Perungudi, Chennai-96.

2.K.Palani

.. Petitioners

Vs.

Mrs.P.Krishnaveni

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the petition in R.C.O.P.No.63 of 2015, pending on the file of the Principal District Munsif (Rent Controller) Alandur.

For Petitioner : Mr.R.Veeramani

COMMON ORDER

The Civil Revision Petitions have been filed to strike off the petition in R.C.O.P.Nos.63 to 76 of 2015, pending on the file of the Principal District Munsif (Rent Controller) Alandur.

2. The issues involved in all the civil revision petitions are one and the same and hence, they are disposed of by this common order.

3. The petitioners in all the civil revision petitions are the respondents and the respondent is the petitioner in R.C.O.P.Nos.63 to 76 of 2015. The respondent filed R.C.O.P.Nos.63 to 76 of 2015 against the petitioners for eviction of the first petitioner in all the civil revision petitions on the ground of wilful default in payment of rent.

4. According to the respondent, the second petitioner used to collect rent from the first petitioner and give it to the respondent. The petitioners in collusion with each other not paying rent to the respondent, have filed the present civil revision petitions under Article 227 of the Constitution of India to strike off R.C.O.P.Nos.63 to 76 of 2015 filed by the respondent.

5. The contention of the petitioners is that the respondent is not owner of the petitions' premises. She has filed O.S.No.268 of 2010 on the file of the Sub-Court, Tambaram, for declaration and

partition, which was dismissed on 17.02.2017. The second petitioner is the owner of the property and the first petitioners in all the civil revision petitions are tenants under the second petitioner. There is no landlord and tenant relationship between the respondent and the petitioners. The respondent has suppressed the material facts that she filed O.S.No.268 of 2010 for declaration and partition and filed the above R.C.O.P.Nos.63 to 76 of 2015, which is clear abuse of process of the Court.

6. Heard the learned counsel for the petitioners and perused the materials available on record.

7. The power of this Court under Article 227 of the Constitution of India is an extraordinary power as well as the discretionary power and the same has to be exercised sparingly with cause. In the present case, the respondent claims to be the owner of the petitions' premises, whereas the second petitioner claims to be the owner. The ownership of the petitions' premises can be considered only at the time of conclusion of trial and if there is bonafide dispute with regard to the ownership, then issue can be decided by the Civil Court.

8. From the typed set of papers filed by the petitioners, it is seen that in all the R.C.O.P.Nos.63 to 76 of 2015, the petitioners have filed the order in M.P.No.155 of 2015 in R.C.O.P.No.63 of 2015 and other applications under Section 19 of the Tamil Nadu Buildings (Lease and Rent Control) Act of 1960 and Rule 11 of Tamil Nadu Buildings (Lease and Rent Control) Rule of 1974 and Section 151 of C.P.C to dismiss the R.C.O.P.No.63 of 2015. The said M.P. was dismissed on 23.02.2016 by giving reasons.

9. There is nothing on record to show that whether the petitioners have initiated further proceedings challenging the said order dated 23.02.2016. This Court, in the proceedings under Article 227 of the Constitution of India, cannot decide the title of the parties i.e., whether the second petitioner is owner of the petitions' premises or the respondent is the owner of the petitions' premises.

10. In the result, all the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.06.2017

Index : Yes/No

dm/kj

V.M.VELUMANI, J.

dm/kj

To

The Principal District Munsif
(Rent Controller),
Alandur, Kanchipuram District.

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