

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.2205 OF 2017
and C.M.P.No.10516 of 2017

K.Rafeeq Ahamed

... Petitioner

Vs.

V.Manjunath

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, as against the order dated 28.04.2017 made in R.C.A.No.21 of 2016 on the file of the Rent Controller Appellate Tribunal, Vellore (Subordinate Judge's Court), Vellore District reversing the order dated 30.09.2016 made in I.A.No.10 of 2016 in R.C.O.P.No.52 of 2014 on the file of the Rent Controller/Principal District Munsif, Vellore.

For Petitioner : Mr.T.Dhanyakumar

WEB ORDER COPY

This petition has been filed as against the order dated 28.04.2017 made in R.C.A.No.21 of 2016 on the file of the Rent Control

Appellate Tribunal, Vellore (Subordinate Judge's Court), Vellore District reversing the order and decretal dated 30.09.2016 made in I.A.No.10 of 2016 in R.C.O.P.No.52 of 2014 on the file of the Rent Controller/ Principal District Munsif, Vellore.

2. Aggrieved over the order of Rent Control Appellate Tribunal, the petitioner/landlord has filed the present revision petition. The petitioner/landlord has borrowed some amount from Indian Bank, Vellore Branch. The Indian Bank has initiated the proceedings under SARFAESI Act, and took possession of the petitioner's premises, wherein the respondent is a tenant. Pursuant to the proceedings taken under the SARFAESI Act, the tenant was directed to deposit the rent amount to the credit of the landlord's loan account.

3. It is the contention of the petitioner/landlord that the tenant should have paid the rent amount to the petitioner instead of paying to the bank.

4. When there is a direction issued by the bank to collect the

money from the occupant of the building, which is under the possession of the bank, the respondent/tenant is bound to pay the rent to the bank as directed by the bank, which is in possession. Therefore, the payment made by the respondent/tenant to the bank is legal and it can not be construed as default, much less wilful default. As of today there is no arrears in payment of rentals. The Rent Control Appellate Authority has rightly found that there is no wilful default.

5. The finding rendered by the Rent Control Appellate Authority is correct and no interference is required. Therefore, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2017

Index : Yes/No
Internet : Yes/No

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To

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1. The Rent Controller Appellate Tribunal, Vellore,
(Subordinate Judge's Court), Vellore District.
2. The Rent Controller/Principal District Munsif, Vellore.

M. GOVINDARAJ, J.

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