

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (NPD) Nos. 2669, 2670, 3031 and 3102 of 2017
and
CMP Nos. 12717, 12718, 14217 & 14529 of 2017

Moideenkutty	.. Petitioner in CRP (NPD) No. 2669 of 2017
Gangadharan	.. Petitioner in CRP (NPD) No. 2670 of 2017
Shyam Narayan Singh	.. Petitioner in CRP (NPD) No. 3031 of 2017
Rathika Devi	.. Petitioner in CRP (NPD) No. 3102 of 2017

1. S Thangavel

2. Thiruvatteeswaranpet Temple
 rep. by Executive Officer
 Triplicane
 Chennai - 5.

.. Respondents
 in all CRP (NPD)s

PRAYER in all CRPs: These Civil Revision Petitions are filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Rules 1960, to set aside the common judgement and decree passed in M.P. No. 445 of 2016

in RCA No. 741 of 2014, M.P. No. 446 of 2016 in RCA No. 742 of 2014, M.P. No. 447 of 2016 in RCA No. 745 of 2014 and M.P. No. 448 of 2016 in RCA No. 747 of 2014, dated 13.03.2017 on the file of VII Judge, Court of Small Causes, Madras (Rent Control Appellate Authority) and allow the said M.P.

For Petitioners : Mr. C. Rajan
in CRP (NPD) Nos. 2669 & 2670 of 2017

For Petitioners : Mr. K.P. Ashok
in CRP (NPD) Nos. 3031 & 3102 of 2017

For Respondents : Mr.A. Abdul Ravoof for R1
in all CRPs

: Mr. R. Poornima for R2

COMMON ORDER

These Civil Revision Petitions arise against the common judgement and decree passed in M.P. No. 445 of 2016 in RCA No. 741 of 2014, M.P. No. 446 of 2016 in RCA No. 742 of 2014, M.P. No. 447 of 2016 in RCA No. 745 of 2014 and M.P. No. 448 of 2016 in RCA No. 747 of 2014, dated 13.03.2017 on the file of VII Judge, Court of Small Causes, Madras (Rent Control Appellate Authority).

2. Brief facts of the cases are as follows :

The 1st respondent has filed petitions before the Rent Control Authority, for eviction against the revision petitioners. The said petitions in RCOP Nos. 257 to 260 of 2009 were allowed by the court below by a common order dated 09.10.2014. Aggrieved by the said order, the revision petitioners/ tenants, filed appeals before the Rent Control Appellate Authority. Subsequently, the revision petitioners filed petitions to implead the Executive Officer, Thiruvatteeswaranpet Temple, Chennai, the 2nd respondent herein, as a necessary party in the proceedings. The said implead petitions were dismissed by the court below on 13.03.2017. Challenging the said common order, the present revision petitions are filed before this Court.

3. The learned counsel for the petitioners would submit that the 1st respondent filed the RCOPs for eviction of the revision petitioners, on the ground of demolition and reconstruction of the demised property. According to the revision petitioners, the property belongs to the temple and without getting the permission of the temple,

filed the RCOP. Therefore, the present applications were filed to implead the temple authorities as party in the said proceedings. Before the court below, counter affidavits have been filed by the temple authorities, wherein it is stated that the properties belong to them and the 1st respondent is an encroacher of the demised property and therefore they are necessary parties in the said proceedings. Unless the temple authorities are impleaded, much hardship would be caused to them and the case of the revision petitioners would be falsified.

4. The learned counsel for the 1st respondent would submit that in the rent control proceedings, temple is not a necessary party, at the appeal stage. The implead petitions have been filed only at the appeal stage. The petitioners have not taken any steps to implead the temple authorities in the RCOP. Therefore, the court below has rightly rejected the implead petitions. Further, it is for the temple to take action against the revision petitioners, in accordance with the provisions of the law.

5. Admittedly, the revision petitioners are the tenants under the respondent landlord and the court below has rightly dismissed the implead petitions. The Appellate Court has rightly considered that the proposed respondent/ temple is not a necessary party and that the implead petitions have been filed at the stage of appeal. With regard to the Rent Control proceedings, the dispute is between the landlord and the tenants. However, during the course of arguments, it is brought to the notice of this Court that some of the revision petitioners have filed applications to examine the temple authorities and the same are pending before the Appellate Court.

6. In view of the above fact, this Court is not inclined to entertain the Civil Revision Petitions. However, it is open to the Appellate Court to decide the applications regarding examination of temple authorities as witnesses, in accordance with law. It is stated that the petitioners in CRP Nos. 3031 and 3102 of 2017, have not filed any applications to examine the temple authorities as witnesses and therefore seeks liberty to file necessary applications, before the Court below.

D. KRISHNAKUMAR J.,

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7. In view of the above facts and circumstances of the case, all the Civil Revision Petitions are dismissed, with liberty to the petitioners in CRP Nos. 3031 and 3102 of 2017, to file necessary applications to examine the temple authorities as witnesses in the said proceedings, before the Appellate Court. Consequently, the connected Miscellaneous Petitions are closed. No order as to costs.

11.12.2017

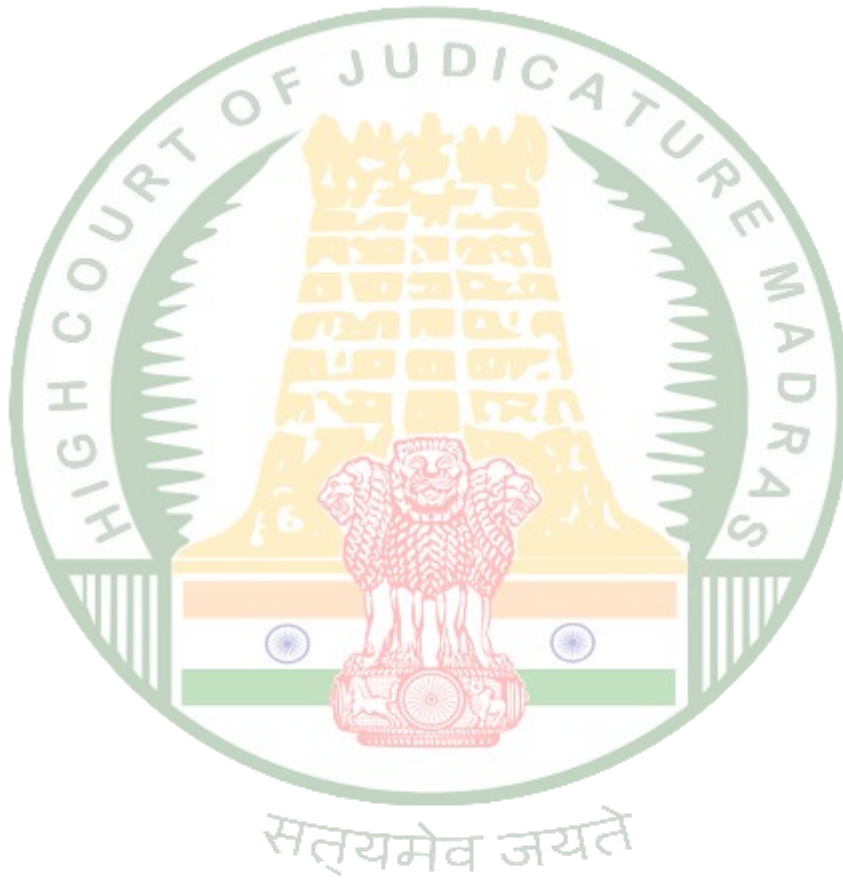
Index: Yes/ No

Speaking order/ Non speaking order

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To
The VII Judge
(Rent Control Appellate Authority)
Court of Small Causes, Chennai.

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