

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 4030 of 2017
and
CMP No. 18833 of 2017

1. Mohamed Diwan
2. M. Peer Mohamed
3. M. Ibrahimsha

.. Petitioners

Vs

A. Venkatesan

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking to strike off the petition in M.P No. 521 of 2017 in RCOP No. 302/16 on the file of XV Judge, Small Causes Court, Chennai and pass such further orders.

For Petitioners : Mr. V. Lakshminarayanan

For Respondent : Mr. A. Venkatesan
Party - in - person

ORDER

This Civil Revision Petition is filed to strike off the petition in M.P No. 521 of 2017 in RCOP No. 302/16 on the file of XV Judge, Small Causes Court, Chennai.

2. According to the petitioners, a petition in R.C.O.P No.2045 of 2002 was filed by the petitioners' vendor, for eviction on the ground of wilful default. The aforesaid petition was allowed on 13.11.2003 and subsequently an appeal in R.C.A. No.161 of 2004 was filed, which was dismissed as withdrawn, based on the endorsement of the appellant therein. The respondent herein has complied with the order of the Rent Control Authority and therefore he continued in possession of the demised suit property. Further, the petitioners' vendor filed R.C.O.P No. 560 of 2004 for fixation of fair rent. The said proceedings was allowed on 03.03.2005. Challenging the said order, the respondent herein preferred an appeal in R.C.A. No. 559 of 2005 and the same was dismissed on 12.10.2009. Against the said order, the respondent again filed C.R.P (NPD) No. 4095 of 2010 and the said revision

was dismissed on 04.01.2013. Assailing the said order, the respondent filed Special Leave Petition before the Hon'ble Supreme Court. The SLP was dismissed on 19.10.2016. Subsequent to the dismissal of the said appeal by the Hon'ble Supreme Court, the petitioners have filed the present petition under Section 10(2)(i) of Tamil Nadu Buildings (Lease & Rent) Control Act, 1960 in R.C.O.P No.302 of 2016 on 01.03.2016, for eviction on the ground of wilful default. The petitioners have also filed M.P. No. 289 of 2016, under Section 11(1) &(4) of Tamil Nadu Buildings (Lease & Rent) Control Act, 1960. The said application was allowed on 26.09.2016. Subsequently, the respondent filed an application to set aside the ex-parte order dated 26.09.2016. Thereafter, the respondent herein filed M.P. No. 83 of 2017 to implead the vendors of the petitioners. Pending the same, the petitioners have filed this revision petition to strike off the said petition. This Court by order dated 07.06.2017 allowed the revision petition in CRP No. 1236 of 2016. Thereafter, the respondent has filed M.P. No. 521 of 2017, to amend the schedule in RCOP No. 302 of 2016. Challenging the aforesaid petition, the revision petitioners have filed the present revision before this Court.

3. The learned counsel for the petitioners would submit that the respondent has filed vexatious petitions one after another before the Rent Control Authorities and also have made allegations against the Presiding Officers and therefore the petitioners could not be able to proceed with the rent control proceedings. Therefore, the present revision petition is filed to strike off the said petition.

4. The respondent takes notice and appeared in person before this Court.

5. The respondent would submit that he has not made any complaints against the present Presiding Officer and also undertakes to cooperate for disposal of applications now pending before the Rent Control Authority. The present revision petition is not maintainable and the same is liable to be dismissed. The petitioners can file his counter statement before the Rent Control Authority and the same can be disposed of, within a stipulated time, as directed by this Court.

6. In view of the above submissions of both the parties, the petitioners are directed to file counter, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Rent Control Authorities shall dispose of the instant applications within a period of two weeks. After disposal of M.P No. 521 of 2017 in RCOP No. 302/16, the court below is directed to dispose of the other applications, as expeditiously as possible.

7. The Civil Revision Petition is disposed of, with the above direction. Consequently, the connected M.P. is closed. No order as to costs.

06.11.2017

Speaking order/ Non speaking order

Index: Yes/ No

[Issue order copy within two days]
avr

To
The XV Judge,
Small Causes Court,
Chennai

D. KRISHNAKUMAR J.,

avr



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