

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.200 of 2015
and M.P.No.1 of 2015

V.G.Loganathan .. Petitioner

M.Balakrishnan .. Respondent

Petition filed under Section 24 of the Civil Procedure Code praying to transfer the R.C.O.P.No.22 of 2014 pending on the file of the District Munsif, Thiruvottiyur to the file of the District Munsif Court, Ambattur or any other competent Court.

For Petitioner : Mr.V.V.Sairam
For Respondent : Mr.D.Govinda Reddy

O R D E R

The tenant in a rent control proceedings is the petitioner herein seeking transfer of R.C.O.P.No.22 of 2014 pending on the file of the District Munsif Court, Thiruvottiyur to the file of the District Munsif Court, Ambattur.

2. The transfer is sought for on several allegations against the landlord.

3. Rule 14 of the Tamil Nadu Buildings (Lease and Rent Control) Rules, 1960 provides for transfer of proceedings from one Controller to another, which is useful to extract below:-

"14. Transfer of proceedings from one Controller to another:- The Appellate Authority or the Chief Judge, Court of Small Causes, Madras may transfer a case from the file of one Controller to that of another Controller within its or his jurisdiction-

- (i) for administrative grounds; or
- (ii) if the Controller on whose file the case is pending is personally interested and report the matter; or
- (iii) If, on an application for transfer by any party in the case the Appellate Authority or the Chief Judge, Court of Small

Causes, Madras is satisfied that there are sufficient grounds for the transfer".

4. The Rent Control Act being self-contained enactment, excepting the relief of transfer, as per the above said rules, the aggrieved party has to necessarily resort only to such remedy and cannot invoke Section 24 of C.P.C, which has got no application. Therefore, the petition filed as such, is not maintainable before this Court and the petitioner is at liberty to file such transfer petition as he may desire to do so before the appropriate authority.

5. With the above said observation, the transfer Civil Miscellaneous Petition is disposed of.

s/d-
Assistant Registrar(CS-VI)

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Sub-Assistant Registrar

To

1. The District Munsif, Thiruvottiyur
2. The District Munsif Court, Ambattur.

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