

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.P.D.No.3545 of 2016

A.K.Sahul Hameed

.. Petitioner

-Vs.-

1. S.Kamala
2. S.Venkatesh
3. P.Bakkiyam
4. P.Selvam
5. P.Jayakumar

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Principal District Munsif Court, Salem to expedite the enquiry in R.C.O.P.No.41 of 2013 on the file of the Principal District Court, Salem within the period stipulated by this Hon'ble Court.

For petitioner ... Mr.R.Govindasamy

For Respondents...Served-No Appearance

O R D E R

The plaintiff has filed the above revision petition seeking a direction to expedite the enquiry in R.C.O.P.No.41 of 2013 on the file of the Principal District Court, Salem.

2. The said R.C.O.P was filed by the petitioner under Section 10(2)(i) and Section 14(1)(b) of the Tamil Nadu Building (Lease and Rent Control) Act 18 of 1960 for eviction against the respondents 1 to 5 from the petition mentioned properties on the ground that the respondents have committed willful default in payment of monthly rent to the petitioner from 01.07.2012 onwards and bonafidely required the property for the purpose of immediate demolition and re-construction.

3. The case of the petitioner is that he is the original owner of the property. According to him, originally, the suit property belonged to one M.Mohamed Ayub, as per the registered sale deed dated 09.09.1966. Subsequently, one Chinnammal had encroached the suit property and constructed a thatched house on it. Hence, the said Mohamed Ayub filed a suit in O.S.No.2373 of 1971 against Chinnammal for declaration and recovery of possession. The said suit was decreed on 28.06.1975, against which, she preferred an appeal in A.S.No.265 of 1975 on the file of the District Judge, Salem, which was dismissed on 20.01.1976. Thereafter, the said M.Mohamed Ayub, filed an execution petition for delivery of possession. At that point of time, the said Mohamed Ayub leased out

the suit property including the thatched house to Chinnammal. Till her death, the rent was paid regularly. However, after Chinnammal's death on 11.05.1998, though the respondents had been enjoying the same, regular rent was not paid. Aggrieved by the same, the above R.C.O.P has been filed.

4. In the said R.C.O.P., the petitioner filed a petition in I.A.No.43 of 2013 for the appointment of Advocate Commissioner to find out the physical features of the suit property. The trial Court, by order dated 01.10.2013, had appointed an Advocate Commissioner to execute the warrant of commission. However, the Advocate Commissioner reported to the Court that he could not execute the warrant without the police protection. In view of the same, the R.C.O.P. could not reach its finality and the respondents and their counsels are successfully dragging on the above proceedings for more than two years and adopting all dilatory tactics without any proper and valid reasons. It is pertinent to mention that the said R.C.O.P is pending for enquiry from 25.03.2014 till date. Hence, the petitioner has filed the Civil Revision Petition for the above relief.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Though the notice has been served on the respondents and their names are also printed in the cause list, there is no representation for the respondents either in person or through counsel.

7. Considering the facts and circumstances of the case and coupled with the fact that R.C.O.P is pending right from the year 2013, this Court is inclined to direct the Principal District Munsif, Salem to expedite the enquiry in R.C.O.P.No.41 of 2013 as expeditiously as possible, however, not later than 30.06.2017.

8. With the above direction, the Civil Revision Petition is disposed of. No costs.

srn

25.01.2017

To

The Principal District Munsif Court,
Salem

PUSHPA SATHYANARAYANA.J

srn

C.R.P.P.D.No.3545 of 2016

25.01.2017

<http://www.judis.nic.in>