

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

The Hon'ble Mr.Justice K.K.Sasidharan

C.R.P.(PD)No.2793 of 2013

and

M.P.No.1 of 2013

The Social Club Chengalpattu,
rep. by its Secretary,
Door No.7, Travellers Bungalow Road,
Chengalpattu – 603 003.

...Petitioner

Vs.

1. Joseph Venkatrangam
2. George Venkatrangam
3. Prabhu Dawson
4. Sarojini Arthur
5. G.P.Raghavaiah

... Respondents in both C.R.Ps.

Prayer

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order, passed in M.P.No.18 of 2011, in R.C.O.P.No.8 of 2010, dated 28.06.2012, on the file of the Rent Controller, District Munsif Court, Chengalpattu.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.SNJ.Hariharan for
M/s.V.Nicholas

ORDER

The respondents initiated eviction proceedings against the petitioner. The Eviction Petition, in R.C.O.P.No.8 of 2010, was filed, on the strength of a general power of attorney. The petitioner filed a Petition, in M.P.No.18 of 2011, challenging the maintainability of the Rent Control Original Petition on the ground that the Power Agent was not authorized to initiate eviction proceedings. The learned trial Judge dismissed the application. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel appearing on behalf of the petitioner contended that the Power Agent was not authorized for filing Eviction Petition, as such, the trial Court committed a jurisdictional error in taking cognizance of the rent control original proceedings. The learned counsel further contended that, authority was only for the purpose of collecting rent,

and that would not give any right to file application for eviction. According to the learned counsel, there was no specific authority given by the landlord to the respondents to initiate eviction proceedings.

3. The learned counsel for the respondents, on the other hand, contended that nothing survives for adjudication in view of the delivery of possession of the property in question to the respondents, and action initiated for demolishing the superstructure.

4. The petitioner challenged the maintainability of the R.C.O.P. on the ground that the power agent was not authorized to file Eviction Petition. The power agent is entitled to collect the rent on the strength of the authorization given by the landlord. In view of the definition of the word 'landlord', in Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, as amended by Act XXIII OF 1973 Act 1980, there is absolutely no merit in the contention taken by the petitioner before the trial Court. It was only an attempt to drag on the proceedings under one pretext or the other. Even the contention taken by the petitioner that there was no specific authority given by the landlord to the Power Agent to initiate eviction proceedings is

untenable, in view of the general power of attorney given by the landlord, authorizing to initiate eviction proceedings. I am, therefore, of the view that the learned trial Judge was perfectly right in dismissing the Application, in M.P.No.18 of 2011.

5. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

28.04.2017

sd

Index : Yes/No

To

The District Munsif, Chengalpattu.

K.K.Sasidharan,J.,

sd

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