



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:23.06.2017

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

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C.R.P. (MD) Nos.1174 to 1177 of 2017
and
C.M.P. (MD) Nos.5500 to 5503 of 2017

C.R.P. (MD) No.1174 of 2017

S.Jeyakanthan ...Petitioner
-Vs-
Samadurai ...Respondent

C.R.P. (MD) No.1175 of 2017

S.Jeyakanthan ...Petitioner
-Vs-
Amirthalingam ...Respondent

C.R.P. (MD) No.1176 of 2017

S.Jeyakanthan ...Petitioner
-Vs-
M.Bharath ...Respondent

C.R.P. (MD) No.1177 of 2017

S.Jeyakanthan ...Petitioner
-Vs-
S.Anantha Kumar ...Respondent

PRAYER IN C.R.P. (MD) Nos.1174 to 1177 of 2017 : Civil Revision Petitions are filed under Article 227 of Constitution of India, to call for the records pertaining to R.C.O.P.Nos.6,7,8 and 9 of 2016 on the file of the learned Rent controller cum District Munsif, Virudhunagar.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji for
(in all CRPs) M/s Dhana Law Associates

COMMON ORDER

These civil revision petitions are filed under Article 227 of Constitution of India, by the landlord/respondent in R.C.O.P.Nos.6,7,8 and 9 of 2016 pending on the file of the District Munsif, Virudhunagar. These rent control petitions are filed by the respondents on the premise that there is a dispute



regarding the ownership of the property. Since, as tenants, they need the permission of the Court to deposit the rent. The rent control petitions are filed under Section 9(3) of the Tamil Nadu Building (Lease and Rent Control) Act 1960.

2. The learned counsel appearing for the revision petitioner submitted that under Section 9(3) of the Tamil Nadu Building (Lease and Rent Control) Act 1960, the controller is not the District Munsif but the Revenue Divisional Officer of the concerned District. In support of his submission the learned counsel referred to the notification issued by Government of Tamil Nadu in G.O.(Ms)No.43, Housing and Urban Development (Audit Department), dated 25.01.2001. It has prescribed the Collector of Chennai in respect of Chennai City and Revenue Divisional Officer concerned in respect of other Districts as authority, for the purpose of depositing of the rent by the tenant in respect of the case, where any *bona fide* doubt or dispute arises as to the person who is entitled to receive any rent for any building.

3. So, in view of the Government Order dated 25.01.2001, according to the revision petitioner, these Rent Control Petitions are not maintainable before the Rent Controller. The above said submission is subject to the subsequent Government Order, if any order passed by the Government, since the Government Order referred to by the revision petitioner is of the year 2001. It is for the trial Court to appreciate the Government Order regarding its jurisdiction to entertain the Rent Control Petitions. However, the revision petitioner has directly filed these revision petitions before this Court under Article 227 of Constitution of India. For the proper administrative of justice and Judicial discipline, the matter has to be agitated first before the trial Court and if parties are aggrieved by any order, they can approach the appropriate forum.

4. Therefore, liberty is given to the petitioner to agitate this plea before the trial Court. If any application is filed in this regard before the Rent Controller, the Rent Controller shall take that application and dispose it of at the earliest.

5. With the above direction, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

The Rent controller cum District Munsif,
Virudhunagar.

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+4cc to M/s Dhana Law Associates, Advocate Sr.No.61759

MM/SMI

VB/JC/SAR4/14.07.2017/3P/6C

**C.R.P. (MD) Nos.1174 to 1177 of 2017
and
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