



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. PD Nos.1908, 1909, 1910 & 1911 of 2018

Kuppammal

... Petitioner in all CRP's

Vs

1.Pushpanathan 2018	... 1 st Respondent in CRP No.1908 of 2018
1.Rajendiran 2018	... 1 st Respondent in CRP No.1909 of 2018
1.R.V.Manohar 2018	... 1 st Respondent in CRP No.1910 of 2018
1.Murali 2018	... 1 st Respondent in CRP No.1911 of 2018
2.Lakshmi	
3. Karthick	... 2 & 3 Respondents in all CRP's

COMMON PRAYER in C.R.P.Nos.1908, 1909, 1910 & 1911 of 2018: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order dated 11-04-2018 in HRCOP. Nos.2, 1, 3 & 4 of 2017, on the file of the Revenue Court (North), Puducherry respectively.

For Petitioner	:	Mr.D.Ravichander
For Respondents	:	Mr.R.S.Anandan -For R1
		No appearance - For R2 & R3

COMMON ORDER

The prayers sought for in these present petitions are to set aside the order dated 11-04-2018 in HRCOP. Nos.2, 1, 3 & 4 of 2017, on the file of the Revenue Court (North), Puducherry.

2. The main grievance of the petitioner is that though he has raised the question of jurisdiction of the authorized officer of the Revenue Court, Pondicherry to take up this application, this aspect was not considered at the time of passing final order.

3. According to the learned counsel appearing on behalf of the petitioner, the application filed under Section 9(3) of the Puducherry Buildings (Lease and Rent Control) Act, 1969 is not maintainable before the Authorized Officer, since the said authority has not been notified to be the Authorized Officer



for the purpose of invoking the jurisdiction to entertain the application under Section 9(3) of the said Act.

4. Though the specific plea was raised in the counter affidavit filed by the petitioner herein, the Authorized Officer had not dealt with this aspect. It is on this main ground, the present revisions have been filed. In so far as the deposit of rent is concerned, it appears that no serious objection was raised, since both the petitioner herein as well as the second respondent have rival claims to be the owner of the properties and as such the order directing to deposit of rents, may not require any interference. Nevertheless, when the question of jurisdiction has been raised, specifically in the counter affidavit filed by the petitioner herein, the Authorised Officer ought to have dealt with the said issue at the first instance. In view of non consideration of the issue, it will be appropriate to remand the matter to the Authorised Officer back on this aspect alone for fresh consideration on the question of jurisdiction.

5. In the light of the above observation, I do not intend to interfere with the findings of the Authorised Officer with regard to the direction of depositing the rent for the present. However, in view of non consideration of the jurisdictional issue, the matters viz., HRCOP Nos.2,1,3 & 4 of 2017 are remanded back to the Authorised Officer and on such remand, the Authorised Officer is directed to consider the matters afresh and pass appropriate orders on the issue of jurisdiction raised by the petitioner herein, within a period of two months from the date of receipt of copy of the order.

6. In case, the Authorised Officer is of the view that he has not been notified to act as the authority under Section 9 (3) of the Puducherry Buildings (Lease and Rent Control) Act, 1969, the petitioner herein is at liberty to re-open and re-agitate by filing appropriate application before this Court.

7. With the above observations, the Civil Revision Petitions stand disposed of. No Costs. Consequently, connected Miscellaneous Petitions, if any are also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



To
The Authorised Officer
Revenue Court (North)
Puducherry.

WEB COPY

MR(CO)
sm:20.9.2018

C.R.P. PD Nos.1908, 1909,
1910 & 1911 of 2018