



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.109 of 2018

M.Sankar ... Petitioner/Petitioner/ Landlord
-vs-

1.K.Ramesh

2.Suresh ... Respondent/Respondents/Tenants

Prayer: Civil Revision Petition under Article 227 of the Constitution of India as against the fair and decreetal order dated 29.08.2016 passed in I.A.No.5 of 2015 in R.C.O.P.No.1 of 2015 on the file of the District Munsif Cum Judicial Magistrate Court, Cheranmahadevi.

For Petitioners : Mr.M.Mohamed Sherbudeen
For Respondents : No appearance for R-1
R-2- Left

ORDER

The revision petitioner is the landlord of the property in question. It appears that the revision petitioner's father had let out the premises in favour of the father of the respondents. Since the respondents committed wilful default and since the property required demolition and reconstruction, the petitioner filed R.C.O.P.No.1 of 2015 before the Rent Controller, Cheranmahadevi. A counter was also filed in the said R.C.O.P petition. Thereafter, a petition under Section 11 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for directing the tenants for depositing the rent during the pendency of the proceedings was filed and the same was allowed on 29.08.2016.

2.Heard the learned counsel appearing on either side.

3.The learned counsel appearing for the revision petitioner submits that this order was not complied with nor was challenged before the appellate authority. It is further pointed out that one more application under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 was filed by the revision petitioner herein and that the same was also allowed.

<https://hcservice.mca.gov.in/hcservice> Instead of passing an order stopping of further proceedings and directing the tenants to put the landlord in possession of the property, the Rent Controller compelled the



parties to let in evidence in the main R.C.O.P. The approach of the Rent Controller is put in question in this Civil Revision Petition.

4. Though the first respondent was served and his name appears in the cause-list, there is no representation on his side. Notice issued to the second respondent was returned with an endorsement "left".

5. This Court is of the view that statutory mandate set out under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 is clear and unambiguous.

6. In this case, it is seen that the tenants failed to pay or deposit the rent, as directed by the Rent Controller vide order dated 29.08.2016 in I.A.No.5 of 2015. Therefore, the only course open to the Rent Controller was to stop all further proceedings and make an order directing the respondents herein/tenants to put the landlord in possession of the property in question. In this case, the same has not been done. Therefore, this Court has to allow the Civil Revision Petition.

7. Accordingly, this Civil Revision Petition is allowed as prayed for. No costs. The Rent Controller is directed to stop all further proceedings of R.C.O.P.No.1 of 2015 and make an order directing the respondents herein/tenants to put the revision petitioner/landlord in possession of the property in question. Such an order shall be passed within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The District Munsif Cum-
-Judicial Magistrate, Cheranmahadevi.

VS

VB/RP/SAR2/06.09.2018/ 2P/ 2C

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