



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.R.P. (NPD) (MD) No.1431 of 2013

WEB COPY

1.Noorjahan
2.Sagubar Ali
3.Hidayadullah

... Petitioners

-vs-

1.Pathamuthu
2.Mohamed Ali
3.Abdul Majeet
4.Rajathi
5.Asha Banu
6.Sakkarai @ Rajkapur

... Respondents

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act 1960 against the judgment and decree dated 08.04.2004 passed in R.C.A.No.1 of 2001 by the Rent Control Appellate Authority, Sivagangai, reversing the judgment and decree made in RCOP.No.5 of 1996 dated 19.10.2000 on the file of the Rent Controller, Tiruppattur Town, Sivagangai.

For Petitioners : Mr.S.Srinivasaraghavan
For Respondents : Mr.K.P.Narayanakumar for R1 & R3
R-2 Died
No appearance for R4 to R6

O R D E R

Aggrieved by the judgment and decree dated 08.04.2004 passed by the Rent Control Appellate Authority in R.C.A.No.1 of 2001 reversing the judgment and decree of the Rent Controller, District Munsif cum Judicial Magistrate, Tirupathur Town, Sivagangai District in R.C.O.P.No.5 of 1996 dated 19.10.2000, the petitioners/landlord are before this Court with the present Civil Revision Petition.

2. Initially, the petitioners/landlord have filed R.C.O.P.No.5 of 1996 for eviction of the tenants and handing over the possession of the property in question. On conclusion of trial, a relief has been granted to the landlord that the landlord has established the title to the property and the tenants have agreed that they are the tenants. However, aggrieved over the said order, an appeal came to be filed before the Rent Control Appellate Authority in R.C.A.No.1 of 2011, and the Rent Controller's order granting relief to the landlord has been reversed by the appellate



forum on the ground that the tenancy has not been established before the Court below.

3. It is represented that the landlord has filed a suit for declaration of title to the property, which was decreed in his favour and which has been confirmed by the lower appellate Court. It is also pointed out that the tenants have agreed that they are the tenants and they are willing to clear the arrears of rent in their reply notice.

4. Even assuming that the order of the original authority in R.C.O.P.No.5 of 1996 could not be interfered with, as it has been rendered on finding of facts and the judgment and decree has been rendered in favour of the landlord having title to the property, this Court has no other option except to interfere with the judgment made in R.C.A.No.01/2011.

5. At this stage, the learned counsel for the respondents/tenants requested that they may be granted sufficient time to vacate the premises, as they are residing in the property since 1982.

6. As a finality has been attained in this matter, the landlord has no objection in granting nine months time for the tenant to vacate the premises. Accordingly, time is granted till 15.07.2020 for the tenant to vacate the premises.

7. Accordingly, an affidavit shall be filed before the Registry, on or before 30.01.2020, after serving a copy on the petitioners, stating that they will vacate the premises on or before 15.07.2020, failing which, it is open to the landlord to approach the jurisdictional police, who shall give police protection in the light of the decision of this Court in **Radhika Sri Hari v. Commissioner of Police, Coimbatore** reported in **2014 (2) CTC 695** to evict the tenants immediately without waiting for the expiry date, ie., 15.07.2020.

8. The Civil Revision Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Rent Control Appellate Authority,
Sivagangai District.

2. The Rent Controller,
The District Munsif cum Judicial Magistrate,
Tiruppattur Town, Sivagangai District.

Copy to: The Section Officer,
VR Section, (2 Copies),
Madurai Bench of Madras High court, Madurai

+1 CC to MR.S.SRINIVASA RAGHAVAN, Advocate (SR-102550[F] dated
29/11/2019)

+1 CC to MR.K.P.NARAYANAKUMAR, Advocate (SR-102935[F] dated
02/12/2019)

C.R.P. (PD) (MD) No.1431 of 2013
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MK (10.01.2020) 3P 7C