



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34599 of 2019

and

W.M.P. Nos. 35351/2019 and 1964 of 2020

L. Sheik Abdul Kadar

... Petitioner

-vs-

1.The Revenue Divisional Officer (Rent Authority),
Erode,
Erode District.

2.S. Palanisamy

3.P.Banumathi

4.P. Kavinkumar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned notice dated 31.08.2019 made in Na.Ka. 4016/2019/A2 passed by the First Respondent and quash the same.

For Petitioner : Mr. N. Manoharan for
M/s. AL. Gandhimathi

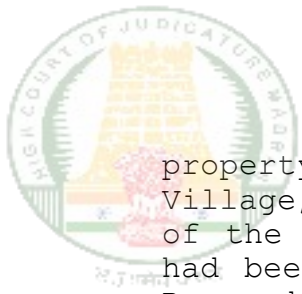
For Respondent 1 : Mr. J. Purushothaman,
Special Government Pleader

For Respondent 2 - 4: Mr. L. Sharadh Kumar

O R D E R

Heard Mr. N. Manoharan, Learned Counsel for the Petitioner, Mr. J. Purushothaman, Learned Special Government Pleader for the First Respondent and Mr. L. Sharadh Kumar, Learned Counsel for the Second to Fourth Respondents and perused the materials available on record, apart from the pleadings of the parties.

2. The Second to Fourth Respondents are the owners of the



property situated at old S. No. 2A, New R.S. No.170/1 Thindal Village, Erode Taluk and District and the Petitioner is a tenant of the premises in a building in that property. An application had been made by the Second to Fourth Respondents to the First Respondent, who is the Rent Authority under the Tamil Nadu Regulation of Rights and Responsibilities to Landlords and Tenants Act 2017, seeking recovery of the aforesaid premises in the occupation of the Petitioner. The First Respondent by Notice No. Na.Ka. 4016/2019/A2 dated 31.08.2019 had summoned the Petitioner to appear for the same. At that stage, this Writ Petition has been filed challenging that action of the First Respondent on the ground that the power to dispossess a tenant from a leased premises has been conferred exclusively on the Rent Court in Chapter V of the said Act and that such power could not be exercised by the First Respondent as Rent Authority.

3. Learned counsel appearing for the Second to Fourth Respondents fairly accepts the aforesaid legal position canvassed by the Petitioner. Having regard to the aforesaid submissions made, the impugned proceedings of the First Respondent, which cannot be sustained, is set aside. However, it would not preclude the Second to Fourth Respondents to work out their remedies for necessary reliefs before the appropriate forum in the manner recognized by law.

4. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn/sj

To

1. The Revenue Divisional Officer (Rent Authority),
Erode,
Erode District.

+2cc to Mr.Nishanth, Advocate, Sr.No.8520

+1cc to the Government Pleader, High Court, Madras, Sr.No.8148

+1cc to Mr.N.Manokaran, Advocate, Sr.No.7888

W.P. No. 34599 of 2019

BR(CO)

GS(08/07/2020)