

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP No.3484 of 2018 and

CMP No.19527 of 2018

Adington Premkumar ... Petitioner/Respondent/Respondent

Vs.

Mohanan ... Respondent/Petitioner/Appellant

Prayer: This civil revision petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 16.08.2018 passed in I.A.No.132 of 2018 in R.C.A.No.13 of 2018 by the Subordinate Judge, Poonamallee.

For Petitioner : Mr.A.Thangarajan, Senior Counsel
for Mr.D.Senthilkumar

For Respondent : Mr.Rajkumar Pandian
Mr.Y.T.Aravindh Gosh, Govt. Advocate, Assisted the Court

O R D E R

This petition has been filed against the fair and decreetal order dated 16.08.2018 passed in I.A.No.132 of 2018 in R.C.A.No.13 of 2018 by the Subordinate Judge, Poonamallee.

2. The petitioner herein is the landlord and he filed a Rent Control Original Petition in RCOP PNo.44 of 2017 before the Principal District Munsif, Poonamallee against the respondent herein/ tenant for eviction. During the pendency of the above RCOP, he filed a petition in M.P.No.132 of 2017 for direction to the tenant/respondent herein to pay a sum of Rs.2,20,000/- towards arrears of monthly rent. That petition was allowed by the Rent Controller. Aggrieved over the orders passed in M.P.No.132 of 2017 in RCOP No.44 of 2017, the respondent herein/tenant has filed an appeal in RCA No.13 of 2018 before the Subordinate Judge, Poonamallee.

3. In the appeal in RCA No.13 of 2018, the respondent/tenant has contended that the suit premises is situated at Sriperumbudur Taluk, Kancheepuram District and hence, the Rent Controller, Poonamallee has no jurisdiction to entertain the eviction petition. The petitioner herein/landlord also filed counter affidavit in that petition, denying the contentions of the tenant. After enquiry, the

petition in I.A.No.132 of 2018 in RCA No.13 of 2018 to stay the further proceedings of the RCOP No.44 of 2017 was allowed, pending disposal of the appeal by the Subordinate Judge, Poonamallee. Against the order passed in I.A.No.132 of 2018 in RCA No.13 of 2018, this civil revision petition has been filed.

4. Heard the learned counsel appearing for the petitioner as well as the respondent.

5. According to the petitioner/landlord, the sale deed with regard to the suit property shows that Thundalam Village, in which the suit property situated, is not come within the jurisdiction of the Sriperumbudur Taluk and it comes under the jurisdiction of the Rent Controller, Poonamallee and hence, the Rent Controller has got jurisdiction to entertain the eviction petition. Whereas, the respondent/tenant has pleaded that Thundalam Village is not comes under the jurisdiction of the Poonamallee Court and it comes under the jurisdiction of the Sriperumandur Court.

6. Hence, this court has directed the Government Advocate to instruct the Tahsildar, Pallavaram to inspect the suit property and to file a report before this court. Accordingly, the Tahsildar, Maduravayal, has filed a certificate, certifying that as per the Document No.4793/2000 dated 15.11.2000, Mr.Adington Premkumar (landlord) had purchased the plot No.53 measuring 2670 sq.ft. in Survey No.72/1A and 72/1B, situated in the " Sri Paranath Nagar House site" Thundalam Village, Maduravayal, Chennai.

7. Considering the contentions raised by both the parties, and also based on the report filed by the Tahsildar, Maduravayal, it is appropriate for this court to issue the following directions.

i) The Principal District Munsif, Poonamallee is directed to frame the preliminary issue with regard to the territorial jurisdiction of the court and decide the same in accordance with law.

ii) The Principal District Munsif, Poonamallee is also directed that, if any application is filed by either of the parties in this regard, the same shall be considered and pass appropriate order in accordance with law.

iii) If the application with regard to the territorial jurisdiction is decided in favour of the landlord/petitioner, it is always open to the petitioner to take appropriate steps for payment of arrears of rents against the respondent herein/tenant, within four weeks from the date of order of the Rent Controller and if no application is filed, the Rent Controller shall proceed the RCOP in accordance with law.

8. With the above directions, this civil revision petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District munsif,
Poonamallee.

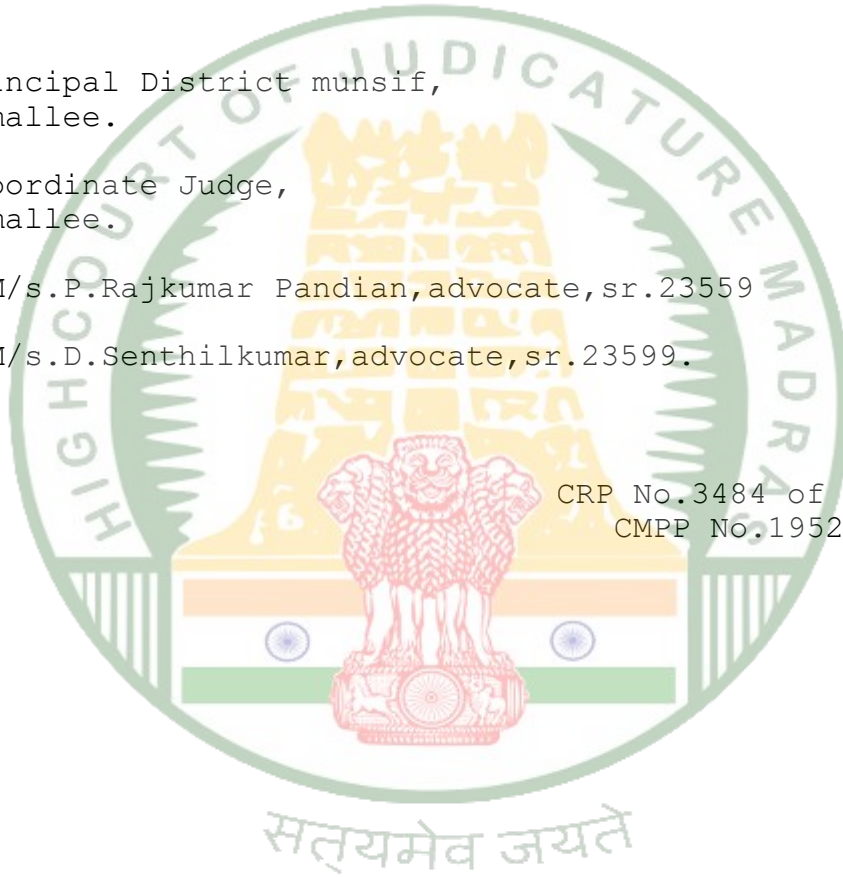
2. The Subordinate Judge,
Poonamallee.

+1 cc to M/s.P.Rajkumar Pandian,advocate,sr.23559

+1 cc to M/s.D.Senthilkumar,advocate,sr.23599.

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