



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)No.964 of 2012

and

M.P. (MD)No.1 of 2012

WEB COPY

Chandran

...Petitioners/Appellant/
Respondent/tenant

Vs.

M.Muthiah

....Respondent/Respondent/
Petitioner/land lord

PRAYER: The Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1916, against the order made in R.C.A.No.62 of 2007 on the file of the Rent Control Appellate Authority cum Principal Sub-Judge, Trichy dated on 20.04.2011 in confirming the order made in R.C.O.P.No.68 of 2006 on the file of the Rent Controller cum First Additional District Munsif, Trichy dated 23.03.2007.

For Petitioner : Mr.R.Sundar

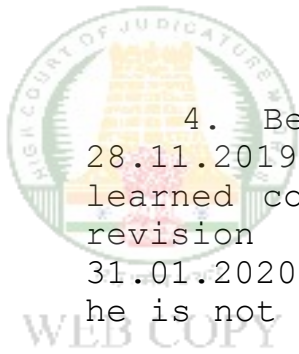
For Respondent : No Appearance

ORDER

This revision is preferred by the tenant, who had moved the Rent Controller with a petition under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1916 (hereinafter referred to as 'the Act' for the sake of brevity). This petition came to be dismissed both by the Rent Controller as well as the Rent Control Appellate Authority on the ground that the tenant has not complied with the procedure contemplated under Section 8(4) of the Act, before moving the Rent controller under Section 8(5) of the Act. This revision is directed against the same.

2. Heard Mr.R.Sundar, learned counsel for the revision petitioner.

3. This Court does not find any material on record to indicate that the tenant has complied with the procedure as prescribed under Section 8 of the Act before moving the Rent Controller under Section 8(5) of the Act. It is settled law that when the statute prescribes certain procedure, it shall be done in the manner indicated and bypassing the procedure is impermissible. Hence, this Court does not find any merit in this revision petition.



4. Be that as it may, this Court also notices that on 28.11.2019, this Court has passed an order after hearing the learned counsel for the revision petitioner granting time to the revision petitioner to vacate the premises on or before 31.01.2020. The learned counsel for the petitioner submitted that he is not aware that if this order has been complied with.

5. This Court has already found that there is no material, which warrants interference of this Court to upset the orders passed by the Rent Controller as well as the Rent Control Appellate Authority. Hence, this Civil Revision Petition is dismissed as devoid of merits.

6. The Registry is directed to post this case for reporting compliance of the orders of this Court, dated 28.11.2019 on 29.10.2020. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)

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To

1.The Rent Control Appellate Authority
cum Principal Sub-Judge, Trichy.

2.The Rent Controller cum
First Additional District Munsif, Trichy

3.The Section Officer -2 copies
V.R.Section, Madurai Bench of Madras High Court,
Madurai.

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22.09.2020

AL (CO)

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