



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)No.1884 of 2019

&CMP(MD)No.9635 of 2019

WEB COPY

B.Balavenkatesan

... Petitioner/Petitioner/
Defendant

Vs.

A.Murugesan

... Respondent/Respondent/
Plaintiff

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair order and decreetal order dated 13.08.2019 and made in I.A.No.156 of 2018 in O.S.No.123 of 2013 on the file of learned District Munsif-cum-Judicial Magistrate, Natham.

For Petitioner : Mr.S.Srinivasa Raghavan
For Respondent : Mr.B.Jameelarasu

ORDER

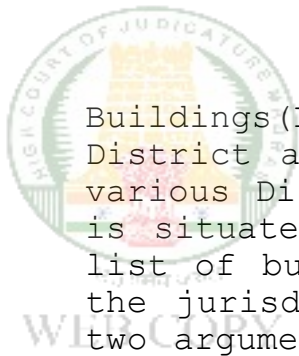
The revision petitioner herein is the tenant of the respondent/plaintiff and the plaintiff has laid O.S.No.123 of 2013 for delivery of the property on termination of lease.

2.This Court was informed that the trial of the suit has been substantially completed. At this stage, the revision petitioner/defendant wants to file an additional written statement under Order 8 Rule 9 CPC to the effect that under G.O.Ms.No.124, Housing and Urban Development Department, only a proceedings under the Tamil Nadu Buildings(Lease & Rent Control) Act, 1960 is available.

3.The revision petitioner has filed I.A.No.156 of 2018 for receiving an additional written statement under Order 8 Rule 9 CPC., wherein he has taken up a plea that in terms of G.O.Ms.No.124 only the Rent Controller will have jurisdiction. The said Interlocutory Application was dismissed by the learned Rent Controller and it held that G.O.Ms.No.124 only relates to constituting the Rent Controller and does not explain about the territorial jurisdiction for the purpose of application of the Tamil Nadu Buildings(Lease andRent Control) Act.

4.Heard both sides.

5.The learned counsel for the revision petitioner made a strenuous plea to this Court that as per G.O.Ms.No.124, the Tamil Nadu



Buildings(Lease and Rent Control) Act is extended to Dindigul District and hence, as per G.O.Ms.No.124, the District Munsifs in various Districts including Dindigul within which the suit property is situate are constituted Rent Controllers, and consequently, the list of buildings falling within Dindigul District will come under the jurisdiction of the Rent Controller. These precisely, are the two arguments which by the revision petitioner has advanced before the trial Court.

6.Here it is relevant to extract Section 1(2)(c) of the Tamil Nadu Buildings (Lease and Rent Control) Act

"The Government may, by notification, apply all or any of the provisions of this Act except sub-section(2) of Section 3, to any other area in the State with effect from such date as may be specified in the notification and may cancel or modify any such notification"

7.Section 1(2)(c) empowers the Government to extend the application of the Tamil Nadu Buildings(Lease and Rent Control) Act to any area by a notification.

8.The learned counsel for the revision petitioner would now contend that the G.O.Ms.No.124 has two parts, and it was issued both under Section 2(3) as well as under Section 1(2)(c) of the Tamil Nadu Buildings(Lease and Rent Control)Act. Section 2(3) deals with appointing a Rent Controller and this, the learned counsel argued is covered under column 1. The second part relates to the territory to which the Act was extended, and this is covered under Section 1(2)(c) and this area is indicated in column 2.

9.The question which the learned counsel for the revision petitioner has raised is one which touched upon the inherent jurisdiction of the Civil Court in entertaining the suit. This does not require any additional pleading and this can be argued even without any pleadings. Therefore, this Court only leaves the issue open for the revision petitioner to canvass before the trial Court.

10.Hence, the Civil Revision Petition is dismissed and the order dated 13.08.2019 and made in I.A.No.156 of 2018 in O.S.No.123 of 2013 is hereby confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

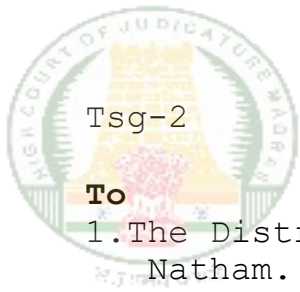
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Tsg-2

To

1.The District Munsif-cum-Judicial Magistrate,
Natham.

2.The Section Officer(2Copies)

V.R.Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-23766[F] dated
03/12/2020)

C.R.P. (PD) (MD)No.1884 of 2019
02.12.2020

SR(CO)

KB(29.12.2020) 3P 5C