

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 11.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD)No.522 of 2021

P.Kamalakaran

...Petitioner

Vs

Kala

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Principal District Munsif Court, Alandur, Chennai to dispose of the petition in R.L.T.O.P.No.14 of 2020 within a stipulated time.

For Petitioner : Mr.Sharath Kumar for
Mr.Rakhi

ORDER

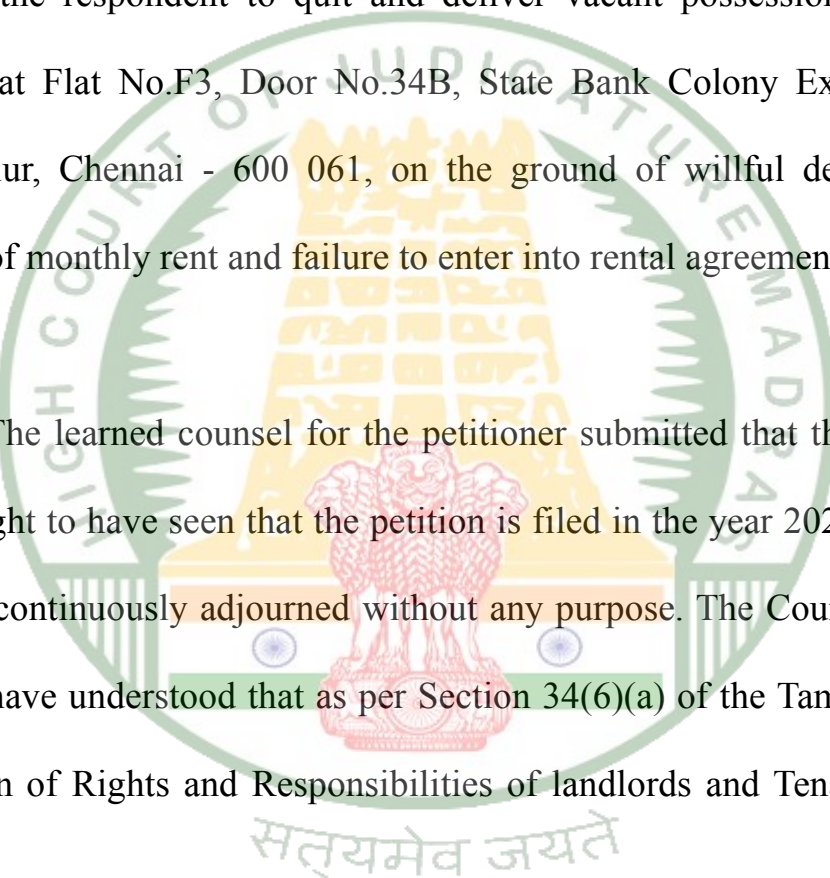
The limited prayer sought for in the present petition is to direct the Principal District Munsif Court at Alandur, Chennai to dispose of the petition in R.L.T.O.P.No.14 of 2020, within the stipulated time.

2. The petitioner herein has filed a petition in R.L.T.O.P.No.14 of 2020 before the learned Principal District Munsif, Alandur, Chennai for an order of eviction against the respondent for recovery of possession, directing the respondent to quit and deliver vacant possession of the premises at Flat No.F3, Door No.34B, State Bank Colony Extension, Nanganallur, Chennai - 600 061, on the ground of willful default in payment of monthly rent and failure to enter into rental agreement.

3. The learned counsel for the petitioner submitted that the Court below ought to have seen that the petition is filed in the year 2020 and it has been continuously adjourned without any purpose. The Court below ought to have understood that as per Section 34(6)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of landlords and Tenants Act 2017-

"All applications under clauses (a), (b), (c), (e), (f) and (h) of sub Section (2) of Section 21 shall be decided within 90 days of filing of application to the Rent Court."

But, this petition is not disposed yet. The respondent herein is occupying the petitioner's flat without paying rent from the year 2017 and also



without entering into a rental agreement. The Court below failed to note that the speedy trial to a cause is a fundamental right under Article 21 of the Constitution of India, 1950. Further, the learned counsel states that the respondent, even after entering her appearance through her counsel, she has not filed her counter. Hence, the learned counsel for the petitioner seeks permission of this Court to direct the Court below to dispose of the petition in R.L.T.O.P.No.14 of 2020.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is seen from the adjudication order, the petition in R.L.T.O.P.No.14 of 2020 was filed on 31.01.2020 and the same was taken up on 12.03.2020 for issuance of process. Since there was a lockdown and no proceedings were held due to the Covid-19 pandemic situation, the same has been listed on 17.12.2020 for issuance of process and again listed on 11.01.2021 for filing counter by the respondent/defendant. The Court can consider the plea of the petitioner and for disposing of the petition within a time frame. It is the case put fourth by

the learned counsel for the petitioner that as per Section 34(6)(a) of the Tamilnadu Regulation of Rights and Responsibilities of landlords and Tenants Act 2017-

"All applications under clauses (a), (b), (c), (e), (f) and (h) of sub Section (2) of Section 21 shall be decided within 90 days of filing of application to the Rent Court."

and he submits that the same has not been disposed of as per the Act. The Court below ought to have seen that the petitioner's premises was occupied by the respondent without paying the rent from the year 2017 and without entering into a rental agreement.

6. It is seen that the petition is of the year 2020. Each and every case has its own procedures and the Court below is also having thousands of cases pending on its file. The entire nation has been facing the difficult situation of lock down for the past one year. Hence, this Court cannot put pressure on the trial Court to dispose the petition in R.L.T.O.P.No.14 of 2020 within a time frame. This Court is not inclined to interfere with the procedures of the Court below at this stage.

7. In view of the present stage of the petition in R.L.T.O.P.No.14 of 2020 and also taking into account that the petition was originally initiated in the year 2020, this Court can only direct the learned Principal District Munsif, Alandur, Chennai to dispose of the petition in R.L.T.O.P.No.14 of 2020, as expeditiously as possible.

8. Accordingly, the Civil Revision Petition stands disposed of. No costs.

11.03.2021

Index:Yes/No
Speaking order/Non Speaking order
sbn

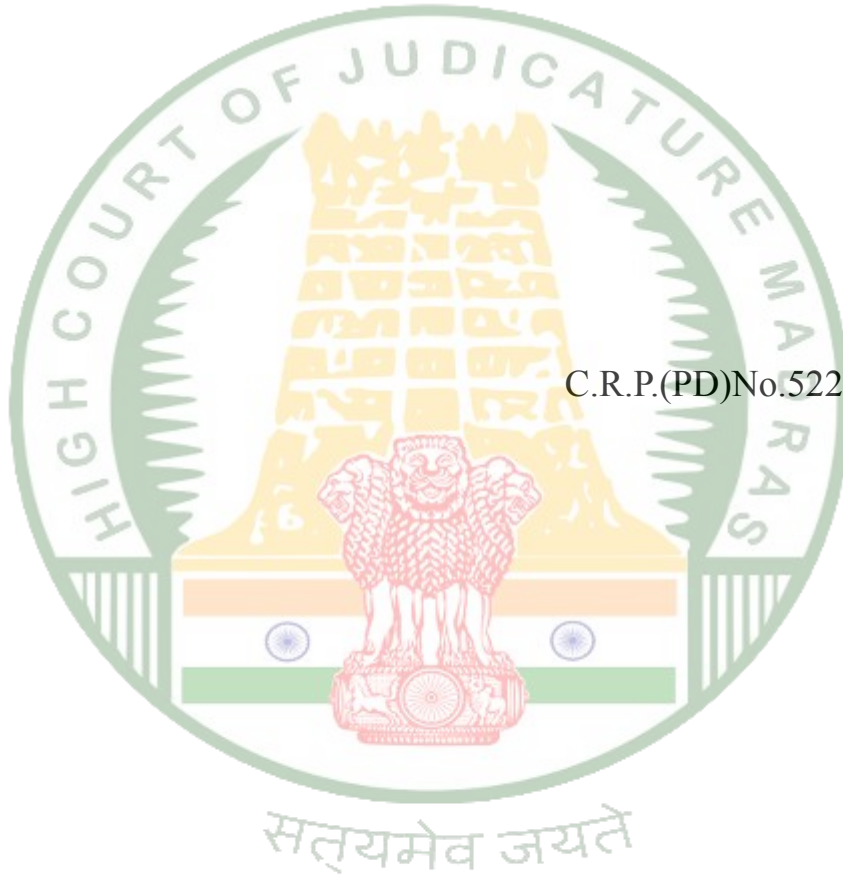
To

The Principal District Munsif Court,
Alandur, Chennai.

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V.BHAVANI SUBBAROYAN, J.

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