

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.6277 of 2020

M.Ramachandran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Coimbatore South,
Revenue Divisional Office,
State Bank Road, Coimbatore - 641 018.

2.Kiran Bai

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the circular order dated 24.12.2019 in O.MU.No.5656/2019/A2 issued by the 1st respondent and quash the same and further directing the 1st respondent to register the petitioner's rental agreement made through online application (TN 242019111300606) dated 13.11.2019.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.V.Shanmuga Sundar for R1
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the first respondent refusing to register the rental agreement under Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 on the ground that the period of rental agreement has come to an end.

2.The petitioner has challenged the impugned order on the ground that the reasons given are inconsistent with the provisions of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. According

to the petitioner, the first respondent has not followed the procedure contemplated under Section 4 of the Act.

3.It is also the contention of the petitioner that the first respondent has also not considered Section 4-A of the Act before passing the impugned order.

4.Heard Mr.I.Abrar Mohamed Abdullah, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the first respondent.

5.The learned counsel for the petitioner drew the attention of this Court to Section 4(5) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (herein after referred to as the Rent Act, 2017) and would submit that as per the aforementioned provisions, reasons will have to be recorded in writing while rejecting any application for registration of rental agreement.

6.He also drew the attention of this Court to the impugned order and would contend that no reasons as contemplated under Section 4(5) of the Rent Act, 2017 have been given by the first respondent.

7.The learned counsel for the petitioner would further submit that pursuant to the amendment made to Section 4 of the Rent Act, 2017 which came into force on 15th February 2020, the time limit for filing an application for registration of rental agreement has been extended from 210 days to 575 days. According to him, all these factors have not been considered under the impugned order.

8.Per contra, learned Special Government Pleader for the first respondent would submit that any application for registration of rental agreement will have to be filed within the prescribed period as per the Rules. According to him, the petitioner has submitted for registering the rental agreement beyond the prescribed period and further the rental agreement having got expired, the first respondent has rightly rejected the petitioner's application seeking for registration of rental agreement under the provisions of the Rent Act, 2017.

9.This Court has perused and examined the impugned order.

10.Section 4(5) of the Rent Act, 2017 reads as follows:

"The Rent Authority shall reject the application submitted under sub-section (3) for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules made thereunder:

Provided that no application shall be rejected unless the parties have been given an opportunity of being heard."

11.As seen from the above provision, it is clear that the reasons will have to be recorded in writing by the first respondent while rejecting the petitioner's application seeking for registration of his rental agreement. As seen from the impugned order, neither sufficient reasons have been given nor opportunity of hearing was granted to the petitioner. The only reason given by the first respondent under the impugned order is that the rental agreement entered into between the petitioner and his tenant has already expired.

12.The learned Special Government Pleader for the first respondent in addition to the said reasons, would contend that the petitioner's application was rejected on the ground that the petitioner had filed the application beyond the prescribed period.

13.As seen from the impugned order, the first respondent has not rejected the application on the ground of limitation but has rejected the application of the petitioner only on the ground that the rental agreement between the petitioner and his tenant has already come to an end. As observed earlier contrary to the proviso under Section 4(5) of the Rent Act, 2017, no opportunity of hearing was also afforded to the petitioner before rejecting the petitioner's application seeking for registration of rental agreement.

14.For the foregoing reasons, this Court is of the considered view that principles of natural justice has been violated by the first respondent and the first respondent has also not adhered to Section 4(5) of the Rent Act, 2017 before passing the impugned order. Hence, the impugned order will have to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law and in light of the provisions referred to supra.

15.In the result, the impugned order dated 24.12.2019 passed by the first respondent is hereby quashed and the matter remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on merits and in accordance with law on the petitioner's application seeking for registration of rental agreement under the provisions of Section 4 of the Rent Act, 2017 within a period of eight weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner including granting him the right of personal hearing and by adhering to the provisions of

Section 4(5) of the Rent Act, 2017.

16.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

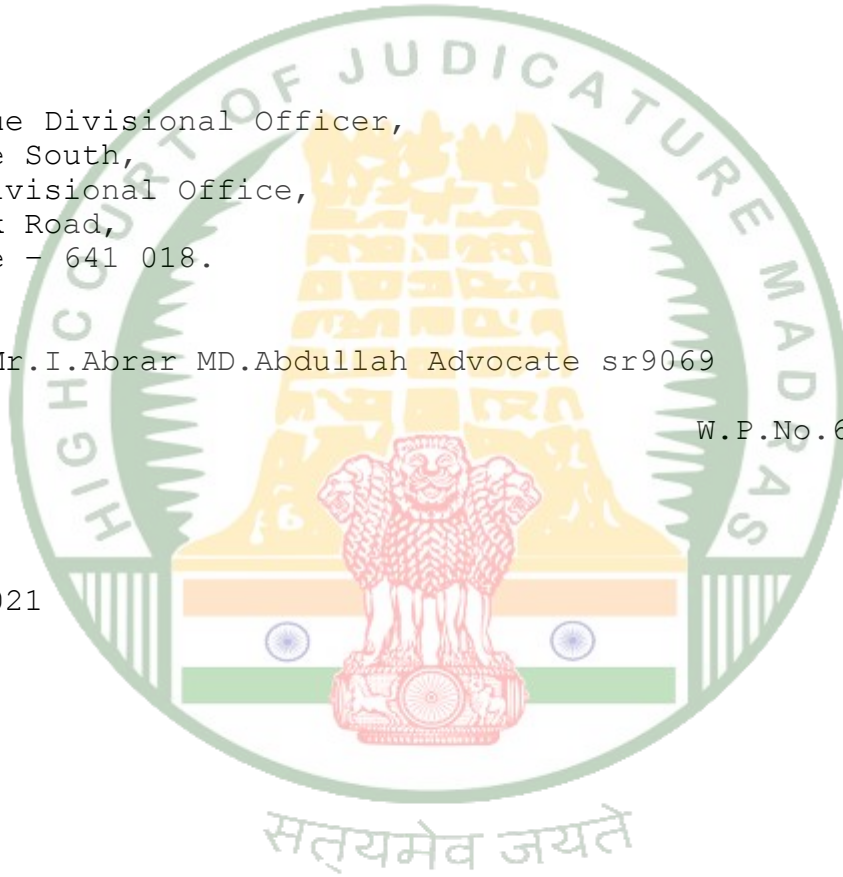
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To

The Revenue Divisional Officer,
Coimbatore South,
Revenue Divisional Office,
State Bank Road,
Coimbatore - 641 018.

+1 cc to Mr.I.Abrar MD.Abdullah Advocate sr9069

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