

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No. 3339 of 2016

1. V.Amuthavalli

2. N.L.Sukumaar

[2nd petitioner impleaded in R.C.O.P.No.17 of 2009, as per order dated 31.07.2012, passed in M.P.No.58 of 2011]

... Petitioners

Vs.

P.Hemalatha

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 26.02.2016, passed in R.C.O.P.No.17 of 2009, on the file of the District Munsif Court, at Thiruvottiyur for jurisdiction.

For Petitioners : Mr.R.Ganesh Kumar for
: Mr.T.Sellakannu

For Respondent : Mr.M.Anbalagon

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ORDER

This Civil Revision Petition is directed as against the order and decretal order passed in R.C.O.P.No.17 of 2009 dated 26.02.2016 on the file of the learned District Munsif, Thiruvottiyur.

2. The only points raised by the learned counsel for the petitioners is that the learned Rent Controller dismissed the petition only on the ground that the petition premises is not coming under the purview of the Tamil Nadu Buildings (Lease and Rent Control) Act, since it is situated out side Madhavaram Municipality. The petitioners were not given opportunity to put-forth their case in respect of the jurisdiction of the building premises. He also pointed out that in the year 2011, Mathur Village was also included in the Corporation of Chennai and as such, the building premises is coming under the purview of the said Act.

3. On a perusal of the order of the learned Rent Controller, it is seen that the petitioners filed a petition for eviction on the ground sub-letting and owner's occupation. On these grounds, the petitioners let in evidence and in fact, the respondent did not raise the jurisdiction issue and also applicability

of the said Act. The learned Rent Controller dismissed the petition only on the ground that the petition premises is not coming under purview of the said Act. Therefore, the petitioners may be given one more opportunity to put-forth their case, insofar as the jurisdiction is concerned. That apart, the petitioners also filed another petition for eviction as against the another tenant, insofar as the another shop in the very same premises and that was allowed by the learned Rent Controller by an order dated 17.02.2014 and eviction was ordered.

4. Considering the above submissions, this Civil Revision Petition is allowed and the order passed in R.C.O.P.No.17 of 2009 dated 26.02.2016 is set aside and the matter is remanded back for fresh consideration. The parties are at liberty to raise the necessary grounds before learned Rent Controller by letting in evidence. The learned Rent Controller is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.03.2021

Speaking/Non-speaking order

Index : Yes/No

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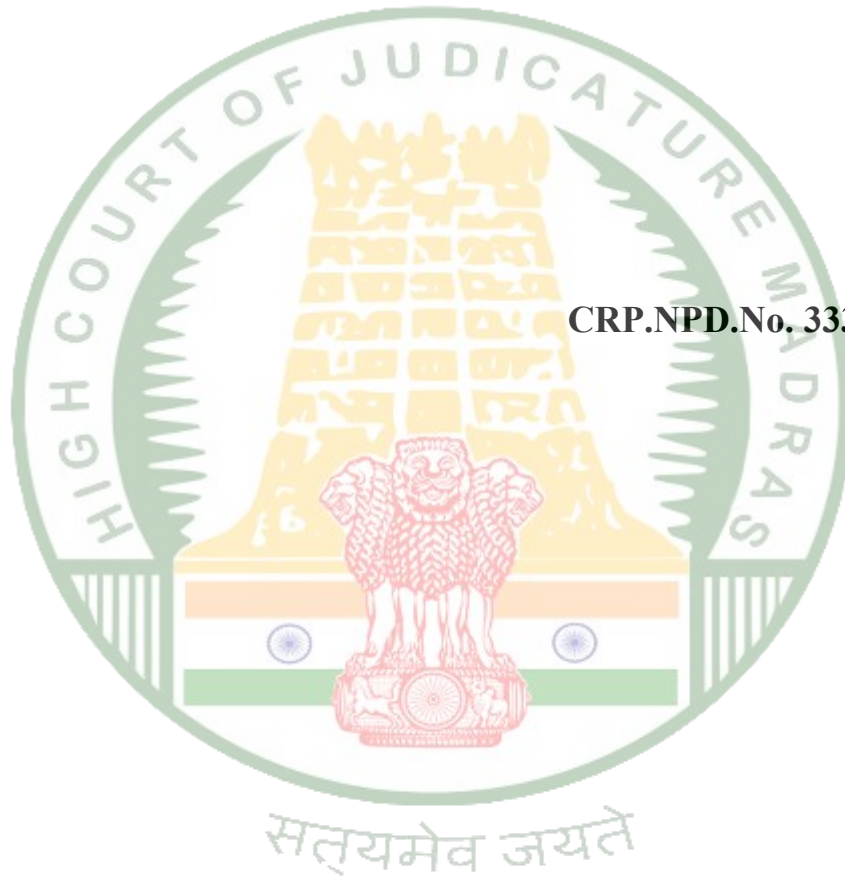
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G.K.ILANTHIRAIYAN,J.

Kv

To

The District Munsif, Thiruvottiur.



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