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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P.No.1591 of 2019

and

C.M.P.Nos.10418, 10421 and 11512 of 2020

S.Gunasekaran

...Petitioner/Respondent/Appellant

Vs

1.R.Maripandi

2.R.Yesurajan

3.R.Sivalingam

4.R.Mahalingam

...Respondents/Petitioners

Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings (lease and Rent Control) Act, as amended by Act 23 of 1973 and by Act 1 of 1980, praying to set aside the fair and decreetal order dated 08.02.2019 passed by the learned Subordinate Court Judge, Ponneri, in I.A.No.17 of 2019 in RCA.No.10 of 2018 and allow the above Civil Revision Petition.

For Petitioner

.. Mr.Ashok Menon

For Respondent

.. Mr.A.Thirumaran
for Mr.G.Mohana Krishnan

ORDER

The Revision Petition has been filed by the respondent/tenant in RCOP.No.50 of 2013, which was pending on the file of the District Munsif Court, Thiruvottriyur. The said petition had been filed under Sections 10(2) (i) and 10(3) (a) (i) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 18 of 1960, as amended by Act 23 of 1973.

2. The petitioner herein suffered an order of eviction. Thereafter, he filed a Rent Control Appeal in RCA.No.10 of 2018, before Subordinate Court, Ponneri. Pending the Rent Control



Appeal, the respondents herein/landlord, complained that there was no payment of rent as envisaged in the statute. The respondents took advantage of Sections 11(3) and 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act and sought a direction against the revision petitioner herein to pay the arrears of rent and also to pay the monthly rent without default. The Rent Control Appellate Authority passed an order to that effect and since the said direction was not complied with, eviction was ordered.

3. Heard, Mr.Ashok Menon, learned counsel appearing for the petitioner and Mr.A.Thirumaran learned counsel appearing for the respondents represented by Mr.G.Mohana Krishnan, learned counsel.

4. The contention raised by Mr.Ashok Menon is that the land actually belongs to Arulmighu Sri Thiyagarajaswamy Thirukovil, Tiruvottriyur Temple and therefore, it is his contention that the respondent herein has no right to collect the rent. This stand is very seriously disputed by Mr.A.Thirumaran. The grievance is that there was no payment of rent. By an order dated 06.01.2018, the revision petitioner was directed to deposit a sum of Rs.85,200/- to the credit of the RCOP.No.50 of 2013 before the District Munsif Court, Thiruvottiyur. It was further directed that the revision petitioner herein should continue to deposit the monthly rent on or before the 15th of every succeeding English Calendar month.

5. Mr.Ashok Menon, learned counsel appearing for the petitioner stated that the said directions have been complied and are being complied with. Therefore, without prejudice to the stand taken by both parties, permission is granted to the respondents herein to withdraw the amount deposited.

6. The Rent Controller Authority/Special Judge, Thiruvottiyur is directed to decide the issues in depth, particularly the issues taken up with respect to facts denied by the respondents herein.

7. The revision petition is therefore disposed of with the above direction. A further direction is issued to the learned District Munsif Court, Thiruvottriyur, Chennai/Rent Controller Authority to dispose of RCA.No.10 of 2018, on or before 30.09.2021. I am confident that the learned counsels who appear for the appellant and the respondents therein would co-operate with the learned Subordinate Judge, Ponneri, to ensure that this particular direction is complied with.



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8. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Rent Controller Authority,
The Subordinate Judge,
Ponneri.
2. The Rent Controller,
The District Munsif, Thiruvottriyur.

+2 CC to Mr.Ashok Menon, Advocate, Sr.No. 32290.

C.R.P.No.1591 of 2019

RLD(CO)
LS(25/08/2021)