

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

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

CRP.NPD.No.929 of 2018

and

CMP.No.5011 of 2018

P.K.Meganathan

..Petitioner

Vs.

M/s.Anjuman-E-Khyrkah-E-AAM,
No.610, Jamath Road, Muslimpur,
Vaniyambadi-635 751,
Vellore District,
Represented by its General Secretary

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 to set aside the fair and decretal order dated 12.02.2018 made in MP.No.404 of 2017 in RCA.No.711 of 2017 on the file of learned IX Court of Small Causes, Rent Control Appellate Authority at Chennai by allowing this civil revision petition.

For Petitioner : Mr.T.P.Sekar

For Respondent : Mr.K.Rajasekaran

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 12.02.2018 made in MP.No.404 of 2017 in RCA.No.711 of 2017 on the file of learned IX Court of Small Causes, Rent Control Appellate Authority at Chennai, thereby granted stay on condition that the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of RCA.

2. The petitioner is the tenant and the respondent is the landlord. The landlord filed petition for eviction on the ground of wilful default. While pending eviction petition, the petitioner filed counter and admitted the landlord tenant relationship. Further stated that he paid a sum of Rs.50,000/- as advance and he is regularly paying the rent. Further resisted the eviction petition on the ground that the petition premises is notified and registered with Wakf Board and the property is one of the wakf property. Therefore, the landlord is not the owner of the petition premises. While pending the eviction petition, the respondent filed petition for claiming rental arrears and the same was allowed and directed the petitioner to deposit the arrears of rent Rs.4,66,800/-. Aggrieved by the same, the petitioner preferred appeal before the learned Rent Control Appellate Authority. While considering the said petition, the petitioner was directed to deposit a sum of

Rs.3,00,000/- on or before 05.03.2018. Aggrieved by the same, the present civil revision petition has been filed.

3. The petitioner, having been admitted the relationship of landlord tenant, it is not open to the petitioner to turn around and deny the ownership of the landlord. Therefore, the learned Rent Control Appellate Authority rightly ordered to deposit a sum of Rs.3,00,000/-. As such this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

29.06.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

The IX Judge,
Court of Small Causes,
Rent Control Appellate Authority at Chennai



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