

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No.2034 of 2021

and C.M.P.No.15437 of 2021

B.Devendralal

... Petitioner

Vs.

P.Devichand

... Respondent

Civil Revision Petition is filed under Article 227 Constitution of India to set aside the docket order dated 10.08.2021 in MPSR No. 23346 of 2021 in RLTOP No.57 of 2019 and direct the learned XIII Small Causes Court at Chennai.

For Petitioner

: Mr. Shaikh Mehrunnisa Kasim

सत्यमेव जयते

ORDER

This petition has been filed challenging the order passed in MPSR.No.23346 of 2021 in RLTOP.No.57 of 2019 by the learned III Small Causes Court, Chennai dated 10.09.2021.

2. The stand taken up by the learned counsel for the petitioner for filing the petition before the learned Rent Controller is that the petitioner are the owners of the property described in RLTOP.No.57 of 2019. In this regard, a suit in O.S.No.686 of 2020 is pending. In the meanwhile, the respondent has filed learned Rent Control proceedings against the petitioner. According to the petitioner, they are being the owners of the property, cannot be inducted as tenants and therefore, the proceedings initiated under the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 is not maintainable. The petitioner filed MPSR No.23346 of 2021 challenging the maintainability of RLTOP.No.57 of 2019. By order, 10.08.2021, the Rent Court dismissed the said petition. Against the said order, this Civil Revision Petition is preferred.

3. Considered the rival submissions of the learned counsel for the petitioner and perused the materials available on records.

4. The case of the petitioner is that the petitioner claims himself to be the owner of the property described in RLTOP.No.57 of 2019. This Court asked on what basis, the petitioner claim himself as the owner of the property and not as tenant? The learned counsel for the petitioner would point out the pendency of a suit filed in O.S.No.686 of 2020 challenging the sale in favour of the

respondent/petitioner in RLTOP.No.57 of 2019. The learned counsel for the petitioner also relied upon certain documents to show that the petitioner is the owner of the property.

5. In view of this submissions, the learned trial judge is directed to frame a preliminary issue for consideration with regard to the jural relationship of landlord and tenant between the respondent and petitioner and decide the said issue. If the issue goes against the petitioner then the learned trial Judge can go ahead with rent control proceedings in RLTOP No.57 of 2019.

6. Accordingly, this Civil Revision Petition stands Disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2021

Index: Yes / No

Speaking order / Non speaking order

vsn

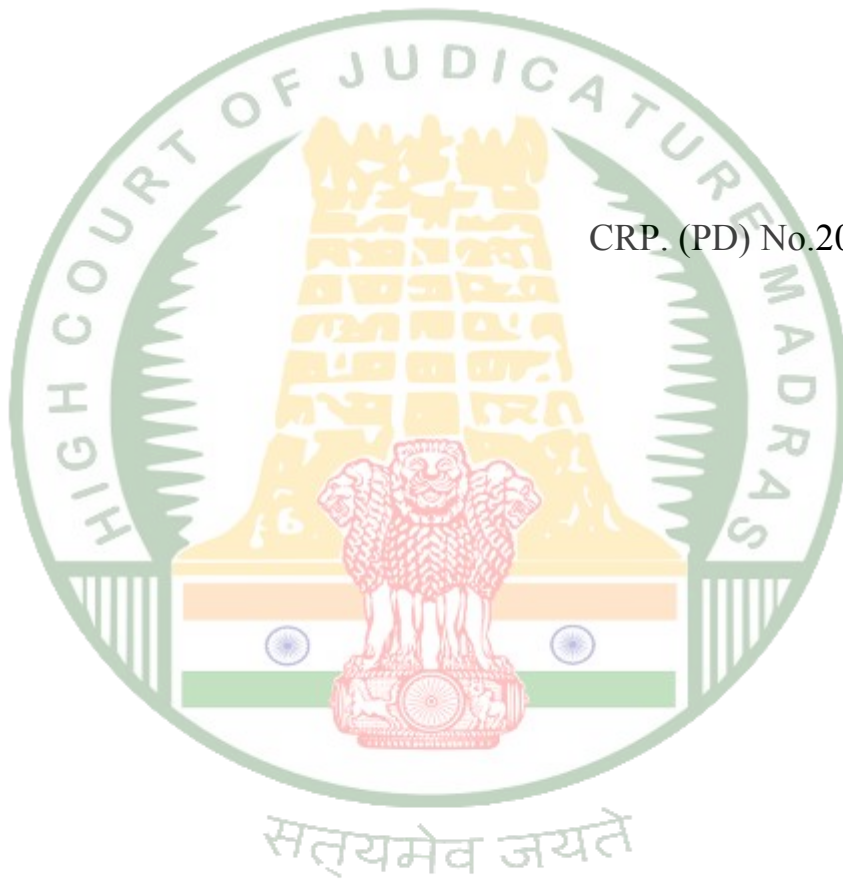
Copy To:

The XIII Small Causes Court ,
Chennai.

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G.CHANDRASEKHARAN. J.,

vsn



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