

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

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

**C.R.P.(PD) Nos. 4122, 4124,4133 & 4135 of 2018
and CMP Nos. 22720,22721, 22778 & 22774 of 2018**

CRP (PD) No.4122 of 2018

M/s.Thirupathy Poly Packs,
rep by its Partner,
Lakshmi

... Petitioner

Vs

K.Radhalakshmi

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 25.06.2018 made in M.P.No.226 of 2016 in RCOP No.23 of 2016 on the file of the Principal District Munsif, Poonamallee.

CRP (PD) No.4124 of 2018

M/s.Thirupathy Poly Packs,
rep by its Partner,
Lakshmi

... Petitioner

Vs

K.Radhalakshmi

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.06.2018 made in M.P.No.18 of 2017 in RCOP No.76 of 2016 on the file of the Principal District Munsif, Poonamallee.

CRP (PD) No.4133 of 2018

Vikram K. Jain
Proprietor of M/s.Girinar Polymers. ... Petitioner

K.Balaboopathy ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.06.2018 made in M.P.No.227 of 2016 in RCOP No.24 of 2016 on the file of the Principal District Munsif, Poonamallee.

CRP (PD) No.4135 of 2018

M/s.Marg Enterprises,
represented by its proprietor
R.Gnanadesigan ... Petitioner

K.Balaboopathy ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.06.2018 made in M.P.No.228 of 2016 in RCOP No.25 of 2016 on the file of the Principal District Munsif, Poonamallee.

For Petitioners in all CRPs : Mr.V.Raghavachari
For Respondents in all CRPs : Mr.P.Subba Reddy

ORDER

These Civil Revision Petitions have been filed against the fair and Decretal order dated 25.06.2018 made in I.A.Nos. 226, 227, 228 & 18 of 2016 in RCOP No. 23, 24, 25 & 76 of 2016 on the file of the Principal District Munsif, Poonamallee, thereby dismissing the petition to dismiss the RCOP.

2. In all the Civil Revision Petitions, the respective petitioners is the tenant and the respondents is the landlord. The landlord filed a petition for eviction on the ground that the denial of title and also for fixation of fair rent. While pending the eviction petition, the petitioners filed a petition to dismiss the eviction petition on the ground that the landlord has no title over the petition premises, in view of the order passed by the Hon'ble Supreme Court of India in SLP No.3946 of 2012 and therefore the RCOP itself is not maintainable. In pursuant to the order passed by the Hon'ble Supreme Court of India, the Government of Tamil Nadu also passed in G.O.Ms.No. 97 and as such, the RCOP itself is not maintainable.

3. On perusal of the records revealed that the respective petitioners were inducted as tenant by the respondents in the year 1999

by the lease agreement. Thereafter, they also were paying rents to the respondents. After some period of time, they stopped payment of rents stating that the petition premises already had been acquired by the Government of Tamil Nadu under the Urban Land Ceiling proceedings and as such, the respective respondents is not entitled to the petition premises.

4. In this regard, the learned counsel for the respondents would submit that as per Section 116 of the Evidence Act, the tenants cannot deny the title of the landlord. That apart, the main RCOPs itself are filed for eviction on the ground of denial of title. Therefore, it has to be gone into the full-fledged trial and on that ground the RCOPs are dismissed in its limine. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the Civil Revision Petitions are dismissed. The RCOPs are of the year 2016, as such, the learned Rent Controller is directed to dispose of the eviction petitions within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.06.2021

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To
The Principal District Munsif,
Poonamallee.

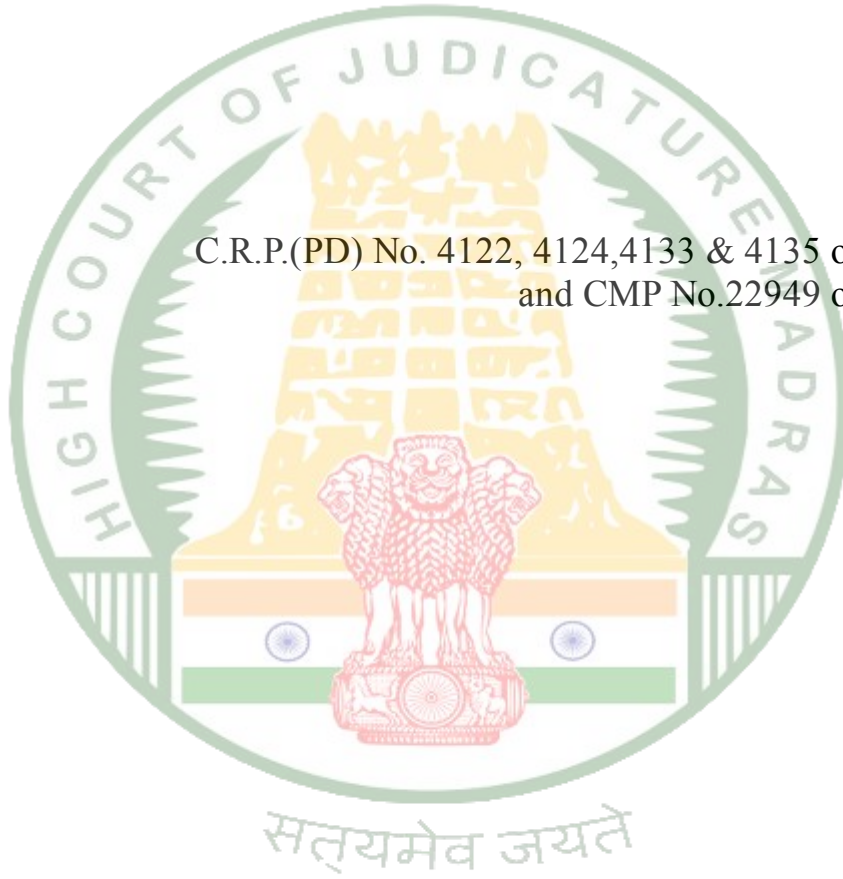


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G.K.ILANTHIRAIYAN.J,

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C.R.P.(P.D).Nos.4122, 4124,4133 & 4135 of 2018



C.R.P.(PD) No. 4122, 4124,4133 & 4135 of 2018
and CMP No.22949 of 2018

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