



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:26.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)Nos.289 and 290 of 2021

and

CMP(MD)No.1673/2021 in CRP(MD)No.290/2021.

M.Mohammed Yesuf

:Petitioner in both CRPs

vs.

A.Sabarinathan

:Respondent in both CRPs

Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order passed in I.A.Nos.23 and 24 of 2020 in RCOP.No.16 of 2017 dated 15.07.2020 by the learned Principal District Munsif, Madurai Town.

For Petitioner : Mr.C.M.Arumugam
in both CRP's

For Respondent : Mr.PT.S.Narendravasan
in both CRP's

COMMON ORDER

These revision petitions have been filed against the orders passed in I.A.Nos.23 and 24 of 2020 in RCOP.No.16 of 2017 dated 15.07.2020 by the learned Principal District Munsif, Madurai Town.

2.The respondent/landlord filed RCOP.No.16 of 2017 against the petitioner/tenant for eviction in which, the petitioner was called absent and he was set exparte and exparte order was passed on 13.04.2018. The respondent filed E.P.No.311/2018 to execute the order. In the E.P. proceedings, though notice and private notice was ordered, the petitioner has purposefully refused to receive the notice and thereafter paper publication has been ordered and the petitioner entered appearance in E.P on 27.06.2019. In the meantime, he has also filed petitions to set aside the exparte order along with the condone delay petition in I.A.Nos.23 and 24 of 2020 which were returned for certain compliance. After filing of the above petitions, though the petitioner has entered appearance in E.P on 27.06.2019, he had not taken any steps to represent the returned I.A.Nos.23 and 24 of 2020 and without representing the same, he prolonged the matter for nearly 532 days and filed the present I.As which were dismissed by the Court below, against which, the present revisions have been filed.



3.In my considered opinion, invoking Article 227 of the Constitution of India in a matter of this nature is totally a misconceived one. Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, contemplates that as against any order passed by the Rent Controller, appeal would lie and as against the order of the appellate authority, revision would lie as per Section 25 of the Act and therefore, invoking Article 227 of the Constitution is an abuse of process of the Court to protract the proceedings and hence, I am not inclined to entertain the revision petitions.

4.With the above observation, these Civil Revision Petitions are dismissed as not maintainable. No costs.

Sd/-

ASSISTANT REGISTRAR(RTI Act)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Principal District Munsif,
Madurai Town.

Copy to

**The Section Officer,E.R.Section,
Madurai Bench of Madras High Court, Madurai.**

**(To return the original impugned order to the petitioner,
after retaining the photostat copies of the same)**

+1 CC to Mr.PT.S.NARENDRAVASAN,Advocate(SR-13950[F]dated 26/03/2021)

+1 CC to Mr.C.M.ARUMUGAM, Advocate (SR-13996[F] dated 26/03/2021)

bala(PA) MJ (CO)
RP/12.05.2021/2P/5C.

ORDER MADE IN
CRP(MD)Nos.289 and 290 of 2021

DATED : 26.03.2021