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C.R.P.Nos.2707 of 2008 and 1793 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

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

C.R.P.Nos.2707 of 2008 and 1793 of 2009

C.R.P.No.2707 of 2008:-

Ya Mohideen Andavar Trust
(Private) Vijayapuram by
Trustees:-

1. Mohamad Ansari
Mohamad Basheer (died)
2. Sahabudeen
3. Mohamad Ismail
4. Kamaludeen
5. Sherfudeen

.. Petitioners

Vs.

1. Nehru
Govindaran (died)
2. Swaminathan
3. Anjalai
4. Durai
5. Murugaiyan
6. Jawahar Nachia
7. Fathima Beevi
8. Syed Juhari

.. Respondents

C.R.P.No.1793 of 2009:-

Ya Mohideen Andavar Trust
(Private) Vijayapuram by
Trustees:-



C.R.P.Nos.2707 of 2008 and 1793 of 2009

1. Mohamad Ansari
2. Sahabudeen
3. Mohamad Ismail
4. Kamaludeen
5. Sherfudeen

.. Petitioners

Vs.

1. Fathima Beevi
2. Syed Juhari
3. Nehru
4. Swaminathan
5. Jawahar Nachia

.. Respondents

Prayer in C.R.P.No.2707 of 2008:- Civil Revision Petitions filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 as amended by Act 23 of 1973 to set aside the Judgment and decree dated 21.01.2008 passed in R.C.A.No.11 of 2003 on the file of the Subordinate Judge, Rent Control Appellate Authority, Tiruvarur reversing the order and decreetal order dated 17.04.2003 passed in R.C.O.P.No.14 of 2000 on the file of the Rent Controller (District Munsif) Tiruvarur by allowing the above Civil Revision Petition and restore the order and decreetal order dated 17.04.2003 passed in R.C.O.P.No.14 of 2000.

Prayer in C.R.P.No.1793 of 2009:- Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, 1960 as amended by Act 23 of 1973 to set aside the decree and Judgment passed in R.C.A.No.10 of 2003 on the file of the Subordinate Judge, Tiruvarur and dated 21.01.2008 by setting aside the order and decreetal order dated 17.04.2003 passed in R.C.O.P.No.14 of 2000 on the file of the Rent Controller cum District Munsif, Tiruvarur by allowing the above Civil Revision Petition.



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C.R.P.Nos.2707 of 2008 and 1793 of 2009

In C.R.P.No.2707 of 2008

For Petitioners : Mr.R.Krishna Prasad
for M/s Sarvabhauman Associates

For Respondents

R1, R3 to R5 : Mr.J.Nandagopal
R2, R6 : Notice served
R7 and R8 : Mr.Srinath Sridevan

In C.R.P.No.1793 of 2009

For Petitioners : Mr.R.Krishna Prasad
for M/s Sarvabhauman Associates

For Respondents

R1 : Mr.Srinath Sridevan
R2 : Notice served
R3 and R4 : Not ready in notice
R5 : Exparte

COMMON ORDER

These Civil Revision Petitions have been filed as against the Judgment and decree dated 21.01.2008 passed in R.C.A.No.11 and 10 of 2003 on the file of the Subordinate Judge, Rent Control Appellate Authority, Tiruvarur by setting aside the order and decreetal order dated 17.04.2003 passed in R.C.O.P.No.14 of 2000, on the file of the Rent Controller (District Munsif) Tiruvarur, thereby dismissed the eviction petition filed before the learned rent controller on the ground that the Rent Control Original Petition is not maintainable and the landlords ought to have filed a petition before the Wakf tribunal.



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2. It is seen that the petitioners have filed a petition in Wakf Original Petition as against the tenants for eviction, before the Wakf Tribunal and it is pending. Therefore, nothing survives in these petitions for further adjudication.

3. If at all the petitioners have not filed any eviction petition as against the respondents, the petitioners are at liberty to file a petition before the Wakf Tribunal.

4. In view of the above, these Civil Revision Petitions are dismissed. No costs.

22.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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C.R.P.Nos.2707 of 2008 and 1793 of 2009

G.K.ILANTHIRAIYAN,J.

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To

1. The Subordinate Judge, Rent Control Appellate Authority, Tiruvarur.
2. The Rent Controller cum District Munsif, Tiruvarur.

C.R.P.Nos.2707 of 2008 and 1793 of 2009

22.12.2022