



C.R.P. (PD) No.588 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) No.588 of 2019

M.Ulaganambi
S/o Muthusamy

... Petitioner

Vs.

Sri Kannika Parameswari Devasthanam
Rep. By its Trustee G.V.Jayaprakash
S/o G.Venkatesan
No.140/241, Thiru Ve.Ka.Road
Ammamet, Salem – 3.

... Respondent

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 18.12.2019 in I.A.No.529 of 2018 in O.S.No.392 of 2013 on the file of the IV Additional District Munsif Court, Salem.

For Petitioner : Ms.D.Chitra Maragatham for
Ms.A.B.Reehana Begum
For Respondent : Mr.B.Vijayakumar



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ORDER

This Civil Revision Petition has been filed, against the order dated 18.12.2018 in I.A.No.529 of 2018 in O.S.No.392 of 2013 on the file of IV Additional District Munsif Court, Salem.

2.Facts leading to filing of this revision petition are as follows:-

Suit in O.S.No.392 of 2013 on the file of the IV Additional District Munsif Court, Salem was filed by the respondent/plaintiff, to direct the petitioner/defendant to vacate and handover the vacant possession of the suit property to the respondent/plaintiff and other reliefs. Pending suit, the petitioner/defendant has filed an application in I.A.No.529 of 2018 under Order XIV Rule 2 and Section 151 CPC, to decide the issue, that the suit is barred by the Tamil Nadu Building Lease and Rent Control Act, as preliminary issue. The said application was dismissed by the learned IV Additional District Munsif Court, Salem, and hence, the present Civil



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Revision Petition has been filed by the petitioner/defendant.

3.The learned counsel appearing for the petitioner/defendant would submit that the suit property is a building and so, Tamilnadu Buildings Lease and Rent Control Act will only apply and a civil suit will not lie. It is settled proposition of law that any suit instituted by the landlord to vacate the tenant from a building falls within the ambit of the Act Tamil Nadu Buildings Lease and Rent Control Act, and therefore, the suit is not maintainable. In support of his submissions, learned counsel relied upon the decision of this Court, in the case of ***B.Shaji Vs. Sree Pravaraswamy Devasthanam.***

4. Per contra, Mr.B.Vijayakumar, learned counsel appearing for the respondent/plaintiff would submit that the revision petitioner/defendant is illegally squatting over the suit property for more than five years and to protract and drag on the proceedings, the I.A., has been filed and taking



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note of the aspects, the trial court has rightly dismissed the I.A., which order needs no interference by this court. He also produced the order in G.O.Ms.No.2000, Home, dated 16th August 1976; the order of the Deputy Commissioner, H.R. and C.E. Department, Coimbatore framing the scheme dated 07.09.1987 and G.O.Ms.No.429 issued by the H.R. and C.E. Department dated 10.08.2005, appointing a non hereditary Trustee.

5. Heard the learned counsel for the petitioner as well as the respondent.

6. Admittedly, the respondent-Sri Kanniga Parameswari Devasthanam is the trust for Arya Vaisya community people. The Revision Petitioner/defendant is the tenant under the plaintiff-Devasthanam. As rightly pointed out by the learned Judge, the Government vide G.O.Ms.No.2000 of 1976 dated 16.08.1976 has exempted the buildings owned by Public Religious Trusts and Public Charitable Trusts from the



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provisions of Rent Control Act. The petitioner has also placed before this court the order of the Deputy Commissioner framing a scheme and the Government Order appointing non hereditary trustee by order dated 10.08.2005.

7. In view of the reasons stated above and in the light of the proceedings placed before this court, I do not find any perversity in the findings of the learned Judge, warranting interference. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1.The IV Additional District Munsif Court, Salem.

2.The Section Officer, V.R.Section
High Court of Madras.



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J.NISHA BANU,J.

Jer/nvsri

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