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C.R.P.(NPD) No.1443 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(NPD) No.1443 of 2022

Sri Chandraprabhu Maharaj Juna Jain Mandir Trust
Represented by its Joint Secretary
Mr.Mukeshchand Gulecha
No.345, Mint Street
Sowcarpet
Chennai – 600 079.

... Petitioner / Applicant

Vs.

Mr.Abdul Azeez

... Respondent / Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 03.01.2022 passed in RLTOP (Diary) No.5910/2021 by the learned X Judge, Small Causes Court, Chennai, and returning the petition/application dated 01.09.2021 filed by the petitioner herein, and consequently direct the Rent Court to number the petition and take the petition/application on the file of the Rent Court.

For Petitioner : Mr.T.Pramod Kumar Chopda



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ORDER

The revision petitioner herein is a religious Trust run by the Jain Community, of which the respondent is a tenant. For the eviction of the tenant, the revision petitioner filed RLTOP in Diary No.5910/2021, but the same came to be returned by the Rent Court as not maintainable on the ground that it falls under Section 3(d) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (in short 'TNRRLT Act'), and at any rate, under proviso to Section 3 of the Act, the landlord ought to have moved the Rent Authority under Section 4 of the Act, and intimated about the lease.

2. This is now under challenge. The learned counsel for the revision petitioner submitted that there is at least two fundamental misconception which the Rent Court has entertained :

(a) That the revision petitioner Trust falls under Section 3(c) and not 3(d) of the Act.

(b) That the proviso to Sec.3 will apply only in cases where any of the institution or entities mentioned under Section 3 (a) to Section



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(d) are exempted from the purview of this TNRRRLT Act, by any notification by the Government.

3. Section 3 of the TNRRRLT Act reads as follows :

“3. Act not apply to certain premises :- Nothing in this Act shall apply to -

- (a) any premises owned or promoted by the Central or State Government or Local Authority or a Government undertaking or enterprise or a statutory body or cantonment board;*
- (b) premises owned by a company, university or organization given on rent to its employees as part of service contract;*
- (c) any premises owned by religious or charitable institutions as may be specified by the Government, by notification;*
- (d) any premises owned by Waqf registered under the Waqf Act, 1995 (Central Act 43 of 1995) or to any trust registered under the Indian Trusts Act, 1882 (Central Act II of 1882);*
- (e) any other building or category of building specifically exempted in public interest by the Government, by notification:*

Provided that any owner of the premises falling under clauses (a) to (d) wishes that the tenancy agreement entered into by them be regulated under the provisions of this Act, they may inform the Rent Authority of their desire to do so at the time of information of the tenancy



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agreement under section 4 of the Act.”

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4.1 Heard the learned counsel for the petitioner. This Court is of the view that :

(a) Section 3(d) deals with any Wakf registered under the Wakf Act, 1995, or registered under the Indian Trust Act, 1982. However, the Indian Trusts Act, 1982 will not apply to any religious and charitable Trusts, and therefore, the learned Rent Court is plainly in error in presuming that the revision petitioner Trust will fall within the definition of Section 3(d) of the Act.

(b) Inasmuch as the revision petitioner Trust is only a religious Trust, it can fall only within Section 3(c) of the Act. The true import of Section 3(c) is that, till any religious or charitable institution is exempted from the purview of this Act by a notification of the Govt., this Act will apply.

4.2 A similar provision was there in the Rent Control Act in its earlier avatar namely 'The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. There the Government has specifically come out with G.O.Ms.2000 (Home), dated 16.08.1976, exempting the buildings belonging to the



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religious and charitable institutions from the purview of the Rent Control Act, 1960. A similar G.O is yet to be made under the New Act. It may be mentioned that Section 47 of the TNRRRLT Act provides for “Repeal and Savings” but it does not provide for saving any Government notification made earlier under the old Act. This implies till a notification is made by the Government as contemplated under Section 3(c) of TNRRRLT Act, any religious or charitable institutions have to approach only the Rent Court.

5. So far as the proviso is concerned, it operates in a slightly different sphere and it may be stated: If the Government brings out a notification in terms of Section 3(c) of the Act, exempting the building belonging to any religious or charitable institutions from the purview of the new Act (TNRRRLT Act), and if the landlord still wants to take advantage of the new Act, then the landlord may have to move under the proviso to invoke Section 4 of the TNRRRLT Act. Since there is no notification made by the Government under Section 3(c) of the Act, the proviso to Section 3 may not have any application.



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6. This Court, therefore sets aside the docket order of the Rent Court dated 03.01.2022 in RLTOP (Diary) No.5910/2021 and directs the Rent Court to take on to its record the case pending in RLTOP (Diary) No.5910/2021, if the papers are otherwise in order.

7. In the result, this revision is allowed. No costs. The Registry is required to return the original RLTOP papers to the petitioner.

27.04.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

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To:
The Judge
X Small Causes Court
Chennai.



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N.SESHASAYEE.J.,

ds

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