



C.R.P.(NPD) No.1047 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM: JUSTICE N.SESHASAYEE

C.R.P. (NPD) No.1047 of 2022

M.Raja Mohamed

... Petitioner

VS

J.C.Jaya Circar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the X Small Causes Court, Chennai to number the petition filed in R.C.O.P. Sr. No.6341 of 2021.

For Petitioner : Mr.P.Sunil alias Sunil Prakash

ORDER

The tenant is in a fix. He is under an obligation to pay rent either to the landlord or to deposit the same to the credit of R.C.O.P. No.1357 of 2017. This obligation was cast on him vide order in M.P. No.170 of 2018.



2. The situation is that the RCOP has been dismissed for default on 02.02.2021. In view of the fact that RCOP No.1357 of 2017 has been dismissed for default, the revision petitioner finds himself in a set of fix as to where to deposit the amount. Therefore, he has taken out an application in the RCOP under Section 8 of the now repealed Tamil Nadu Buildings (Lease and Rent Control) Act, but this was not taken on file.

3. When the whole Act has been repealed, merely because the revision petitioner/tenant finds himself in a set of uncertainty that cannot revive an enactment. The new penal provision for the erstwhile section 8 is Section 14 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The revision petitioner, may, now follow the procedures contemplated under Section 14 of the new Act and invoke Section 14 of the new Act, if he is so advised for deposit of rent. He may also indicate about his inability to deposit the rent in the circumstances already stated here-in-above in his notice to the respondent, while invoking Section 14 of the new Act.

4. Accordingly, the civil revision petition is disposed of. However, there is no order as to costs.



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Asr

To
The Registrar
X Small Causes Court, Chennai

N.SESHASAYEE, J.

Asr



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