



C.R.P. (PD) .No.2784 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).No.2784 of 2021

and

C.M.P.No.20211 of 2021

TASMAC Ltd.,
Rep by its District Manager,
S/o.Muniappan, aged about 57 years,
Nilgiris.

.. Petitioner

Vs.

K.Venkataraj

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 20.09.2018 made in M.P.No.1 of 2018 on the file of Sub-Court – Cum – Rent Controller Appellate Authority, Udhagamandalam, against the order dated 16.06.2016 made in RCA.No.20 of 2015 by Sub-Court – Cum – Rent Controller Appellate Authority, Udhagamandalam confirming the order dated 30.04.2015 made in RCOP.No.29 of 2012 on the file of Sub-Court – Cum – Rent Controller, Udhagamandalam.

Page No.1/5



C.R.P. (PD) .No.2784 of 2021

For Petitioner : Mr.K.Sathish Kumar

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ORDER

Challenge in this Revision is to the order of the learned Appellate Authority constituted under the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 refusing to condone the delay of 455 days in seeking review of its order.

2. The learned Appellate Authority has dismissed the delay petition on the ground that the Appellate Authority does not have power of review. This reasoning of the learned Appellate Authority is in tune with the judgment of the Division Bench of this Court in ***Dosky Machado Vs. Francis Gomes*** reported in **97 LW 224**, wherein, the Division Bench has observed as follows:-

It is well established that a power of review is not an inherent power and the power to review must be conferred by law either specifically or by necessary implication. The Tamil Nadu



C.R.P. (PD) .No.2784 of 2021

Buildings (Lease and Rent Control) Act nowhere confers a power of review on the Rent Controller.

The Rent Controller has no power to review his own order as the Act under which he is functioning does not invest him with a power of review.

3. The above said rule of law would equally apply to the Appellate Authority under the Act. Hence, I do not see any reason to entertain this Revision. The Revision therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

19.01.2022

dsa

Index : No

Speaking order

To

1. The Sub-Court – Cum – Rent Controller Appellate Authority,
Udhagamandalam.
2. The Sub-Court – Cum – Rent Controller,
Udhagamandalam.

Page No.3/5



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C.R.P. (PD) .No.2784 of 2021



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C.R.P. (PD) .No.2784 of 2021

R.SUBRAMANIAN, J.

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C.R.P.(PD).No.2784 of 2021

19.01.2022

Page No.5/5