



C.R.P.No.2149 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	13.07.2022
PRONOUNCED ON :	14.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.No.2149 of 2019
and C.M.P.No.13864 of 2019

- 1) J.Panneerselvam
- 2) P. Prem Kumar
- 3) P. Ashok Kumar

... Petitioners

Vs.

Isaac Moses

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order, dated 18.02.2019 passed in R.C.A.No.27 of 2015, Sub-Judge, Vellore and confirm the order passed in R.C.O.P.No.6 of 2011, dated 12.08.2015, Rent Controller / District Munsif, Katpadi.

For Petitioners
For Respondent

...Mr.Richardson Wilson
...Mr.Ravikumar Paul, Senior Counsel
For Mr.N.Senthilkumar



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ORDER

The aggrieved landlords before the Rent Controller Appellate Authority, have filed the present civil revision petition, challenging the order dated 18.02.2019 made in R.C.A.No.27 of 2015 on the file of the Rent Controller Appellate Tribunal/Sub Judge, Vellore and seeks to confirm the order passed in R.C.O.P.No.6 of 2011, dated 12.08.2015 on the file of Rent Controller / District Munsif, Katpadi.

2. Brief facts, which are necessary for the disposal of this Civil Revision Petition are as follows:-

The petitioners are the landlords in respect of the schedule mentioned residential property and they have purchased the same from one Daris Pramilan, who is the son of the respondent. The said Daris Pramilan had sold the schedule mentioned residential property to the revision petitioners, through his Power of Attorney, who is none other than his father, vide sale deed dated 16.10.2009. As the respondent could not find any accommodation to shift the premises immediately, he had entered into a lease agreement with the petitioners for a period of 11 months and the monthly rent was fixed as Rs.3,000/- and the respondent has also paid a sum of Rs.10,000/- as advance. While the matter stood thus, due to the willful default committed by the



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respondent in paying the rent, the petitioners herein had initiated Rent Control proceedings in R.C.O.P.No.6 of 2011 on the ground of own use and occupation. The Rent Control Authority had allowed the petition and ordered eviction within a period of one month. Aggrieved by the said order, the respondent herein filed an appeal before the Rent Control Appellate Authority in R.C.A.No.27 of 2015 and the Appellate Authority had reversed the findings of the Rent Control Authority by setting aside the order made in R.C.O.P.No.6 of 2011. Aggrieved by the same, the petitioners have filed the present Civil Revision Petition.

3. Mr.Richordson Wilson, learned counsel for the petitioners would contend that the petitioners have purchased the petition property from the respondent, vide sale deed dated 16.10.2009. Due to lack of time in finding an alternative accommodation, the respondent had entered into a tenancy agreement with the petitioners for a period of 11 months. However, the respondent did not pay the rent regularly. Therefore, after expiry of the lease period, the petitioners herein have issued a legal notice dated 10.06.2011 to the respondent to vacate and handover the subject property. But, even after receipt of such legal notice, the respondent did not take any steps either to vacate the premises or to pay the arrears of rent. Therefore, the petitioners have filed the Rent Control Proceedings. The Rent Control Authority after considering the overall facts,



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ordered eviction. Against the said order of eviction, the respondent filed an appeal before the Rent Control Appellate Authority. In the appeal, the Rent Control Appellate Authority, reversed the finding of the Rent Control Authority by stating that it is the bounden duty of the landlord to establish the landlord-tenant relationship, when the title of the landlord is disputed and the petitioners failed to prove the landlord-tenant relationship. Based on the said finding, the appellate authority set aside the order made in R.C.O.P. and allowed the appeal. According to the learned counsel, the Rent Controller Appellate Authority failed to consider the landlord-tenant relationship by virtue of the tenancy agreement, dated 20.11.2999 entered into between the petitioners and the respondent.

4. Furthermore, the learned counsel for the petitioners would submit that the respondent had stated that he has filed a suit for declaration of the sale deed dated 16.10.2009 as null and void before the jurisdictional Civil Court. However, till date, no such suit has been numbered and therefore, the statement made by the respondent itself lacks bonafide and hence, the judgment and decree passed the Rent Control Appellate Authority is liable to be set aside.

5. Per contra, Mr.Ravikumar Paul, learned Senior Counsel representing the



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learned counsel for the respondent would submit that the petition mentioned property originally belongs to one Daris Pramilan, who is the son of the respondent and he has purchased the same vide registered sale deed, dated 04.02.2004, executed by one Rajagopalan, for valid consideration amounting to Rs.13,00,000/- and the same was registered before the Sub-Registrar, Katpadi. It is the further contention of the learned counsel for the respondent that the said Daris Pramilan had executed Power of Attorney, dated 07.05.2009, in favour of his father, who is the respondent herein. While the matter stood thus, during the month of September 2009, the respondent had approached one Ravikumar, a document writer, seeking for hand loan to meet out his financial crisis. Taking advantage of the old age of the respondent, the said Ravikumar played fraud and fabricated the documents and created a sale deed on the strength of power of attorney, dated 07.05.2009. Moreover, the said Ravikumar had obtained some signatures of the respondent in blank stamp papers, which were used by the petitioners to create fabricated rental agreement. The learned Rent Controller Appellate Tribunal/Sub Judge, Vellore, after carefully considering the above facts and circumstances, has rightly allowed the appeal filed by the respondent and therefore, the same does not warrant interference and hence, prayed for dismissal of the revision petition.



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6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Perusal of records would go to show that the petitioners have been paying property tax, land tax and they have also obtained patta for the petition property. It is also seen that the electricity connection has also been mutated in the name of the petitioners, which established the fact that the petitioners are the absolute owners of the petition mentioned property. Since the respondent has approached the petitioners to permit him to stay in the property till he finds an alternate accommodation, a tenancy agreement was entered into between the parties. As the respondent did not pay the agreed rent, the petitioners filed R.C.O.P petition, after issuing legal notice to the respondent. The Rent Control Appellate Authority after considering all those facts, has rightly ordered eviction. However, the Rent Control Appellate Authority has gone into the question of title and has rendered a finding that the sale deed, dated 16.10.2009 executed in favour of the petitioners, is not valid. It is a well settled principle that the Rent Control Courts have no power to adjudicate the title or title documents. It is true that the Rent Controller in the present case has gone into the question of title. Therefore on this ground, the revision petition cannot be adjudicated



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in favour of the tenant.

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8. That apart, the question of bonafide or otherwise of the denial of title was gone into by the Rent Controller Appellate Authority. When this Court questioned about the genuineness of the sale deed, the learned counsel for the respondent was not able to produce the required details, which show causes merit in the submission made by the learned counsel for the petitioners.

9. For the above reasons, this Court finds merit in the submission made by the learned counsel for the petitioners. Accordingly, this Civil Revision petition stands allowed by setting aside the order, dated 18.02.2019 passed in R.C.A.No.27 of 2015, Sub-Judge, Vellore, thereby confirming the order passed in R.C.O.P.No.6 of 2011, dated 12.08.2015, on the file of the Rent Controller / District Munsif, Katpadi. No costs. Consequently, connected miscellaneous petition stands closed.

14.10.2022

Index : Yes/No
Internet : Yes/No



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To:

- 1) The Sub-Judge,
Vellore.
- 2) The Rent Controller / District Munsif,
Katpadi.
- 3) The Section Officer,
V.R. Section, High Court of Madras.



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J.NISHA BANU, J.,

sts

Order made in
C.R.P.No.2149 of 2019

Dated:
14.10.2022