



C.R.P.No.3265 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3265 of 2022

C.Arul Kumaran

Represented by his Power of Attorney

N.Chandrasekaran

.. Petitioner

Vs.

R.Thenmozhi

.. Respondent

PRAYER: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control Act) to set aside the fair and decreetal order dated 30.06.2022 made in R.C.A.No.2 of 2020 on the file of the Subordinate Judge, Appellate Authority, Poonamallee confirming fair and decreetal order dated 14.09.2021 made in M.P.No.2 of 2019 in RCOP.No.22 of 2015 on the file of the Principal District Munsif Court cum Rent Controller, Poonamallee.

For Petitioner : Mr.P.Gunaraj

ORDER

This Civil Revision Petition has been filed challenging the order passed by the learned Subordinate Judge, Rent Control Appellate Authority, Poonamallee,



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confirming the order of dismissal passed by the Principal District Munsif Court cum Rent Controller, Poonamallee, in a petition filed by the petitioner/landlord under Section 11(4) of the Tamil Nadu Buildings Lease and Rent Control Act.

2. The petitioner/landlord filed a petition for eviction against the respondent/tenant on the ground of wilful default. Pending eviction petition, the petitioner moved an application under Section 11(4) of the Tamil Nadu Buildings Lease and Rent Control Act. When the said petition was pending, the respondent/tenant vacated the premises and sent the keys of the premises to the petitioner/landlord by registered post. The revision petitioner had acknowledged the same in his memo dated 01.03.2019 filed before the Principal District Munsif Court cum Rent Controller, Poonamallee, wherein he mentioned that when the Rent Control Eviction petition was pending, it was not open to the respondent/tenant to send key of the premises directly to him. The learned Principal District Munsif cum Rent Controller, Poonamallee dismissed the petition filed under Section 11(4) of the Tamil Nadu Buildings Lease and Rent Control Act mainly on the ground that when the respondent/tenant vacated the premises, nothing survives in the petition filed by the revision petitioner/landlord under Section 11(4) of the said Act. Aggrieved by the same, the landlord filed an appeal before the learned Subordinate Judge, Appellate



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Authority, Poonamallee and the Appellate Authority also confirmed the order passed

by the learned Principal District Munsif cum Rent Controller, Poonamallee.

Aggrieved by the same, the revision petitioner/landlord has come up with this Civil Revision Petition.

3. The learned counsel for the petitioner submitted that the respondent herein has not handed over the possession to him and hence he is entitled to proceed with an application filed under Section 11(4) of the Tamil Nadu Buildings Lease and Rent Control Act. The averment made by the learned counsel for the petitioner cannot be accepted. The purpose of the 11(4) application is to enable the learned Rent Controller to stop the proceedings in case the tenant failed to pay the rent, pending adjudication of the eviction petition.

4. In the case on hand, the respondent/tenant already vacated the premises and sent the keys of the premises to the landlord by registered post. From the memo filed by the revision petitioner dated 01.03.2019, the petitioner refused to accept the keys and deposited the same to the learned Rent Controller by stating that when the matter is pending before the Court, it was not open to the tenant to send the keys of the premises to the landlord directly. Therefore, it is clear, the tenant is no longer in



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possession of the premises and he vacated the premises by sending the keys to the petitioner/landlord. Therefore, nothing survives in the 11(4) application filed by the petitioner. The Courts below rightly dismissed the petition. I do not find any illegality or irregularity in the order passed by the Court below. It is always open to the revision petitioner/landlord to initiate appropriate proceedings seeking recovery of the arrears of rent if any. Hence, this Civil Revision Petition is dismissed. No costs.

13.10.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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To

1. The Subordinate Judge,
Appellate Authority, Poonamallee.
2. The Principal District Munsif Court cum Rent Controller,
Poonamallee.



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S.SOUNTHAR, J.
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