



C.R.P. (PD) .No. 3070 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).No.3070 of 2021

and

C.M.P.No.21652 of 2021

S.Krushnan

.. Petitioner

Vs.

R.Kalaivani

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 24.11.2021 made in M.P.No.1 of 2021 in RLT.OP.No.139 of 2021 on the file of XIV Judge, Small Causes Court, Chennai and allow this Civil Revision Petition.

For Petitioner : Mr.S.Vijayakumar

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on the question of title is wholly unnecessary. On the aforesaid findings, the Rent Court dismissed the application.

4. Mr.S.Vijayakumar, learned counsel appearing for the petitioner would vehemently contend that once there is a dispute regarding the title to the property, the Rent Controller must have allowed the petitioner to lead evidence.

5. I am unable to concur with the submission of the counsel for the petitioner. The new Act viz., Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, herein after referred to as the new Act for the sake brevity, is a self contained code. The term 'landlord' has been defined under Section 2(c) of the Act as follows:-

“Landlord” means a person, who for the time being is receiving, or is entitled to receive, the rent of any premises, on his own account, if the premises were let to a tenant, and shall include his successor-in-interest:



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Provided that where a person is receiving rent for any premises is entitled to so receive, on account of, or on behalf of, or for the benefit of, any other person who cannot enter into a contract (such as minor, person with unsound mind, etc.), whether as a trustee, guardian or receiver, then, the said trustee, guardian or receiver shall also be a landlord for the purposes of this Act.

6. This is nothing but a re-production of the term “landlord” in the predecessor enactment viz., Tamilnadu Buildings (Lease and Rent Control) Act, 1960. To be a landlord, it is not necessary that the person should own the premises or should be the title holder for the premises.

7. Admittedly, the tenant in the case on hand, had entered into an agreement with the petitioner in RLTOP.No.139 of 2021. There was renewal also for a period of 11 months in 2019. Subsequently, there was no renewal and the landlord has chosen to sue for eviction under the provisions of the new enactment.



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8. Section 36 of the new Act enables the Rent Court to devise its own procedure and the procedure laid down in the Code of Civil Procedure is not applicable to the Rent Court constituted under the new Act. Sub-Section 2 of Section 36 of the new Act provides that the evidence shall be by way of affidavits and absolute discretion is conferred on the Rent Court to call the witness for examination or cross-examination. Therefore, a party to the proceedings under the new Act cannot insist upon either examination or cross-examination of the evidence.

9. In the case on hand, as the Rent Court has rightly pointed out that the dispute regarding title cannot be gone into, therefore, letting in evidence on the question of title cannot be permitted. Unlike the predecessor enactment viz., Tamilnadu Buildings (Lease and Rent Control) Act, the new Act does not contain a provision for a decision on the dispute regarding title in the proceedings under the new Act before the Rent Court. Therefore, the Rent Court was justified in dismissing the application seeking permission to let in evidence.



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10. I do not see any illegality or irregularity in the order of the Rent Court in order to enable interference under Article 227 of the Constitution of India. Therefore, the Revision fails and it is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking order



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To

The XIV Judge, Small Causes Court, Chennai.

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R.SUBRAMANIAN, J.

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