



WEB COPY



CRP (PD) No. 3028 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No. 3028 of 2021

And

C.M.P.No. 21462 of 2021

MD. Imthiyazullah Sheriff @ Imthiyaz

... Petitioner/Respondent/Respondent/Tenant

Vs

Mr.S. Mohamed Najumudeen

... Respondent/Petitioner/Petitioner/Landlord

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 09.11.2021 and made in M.P.No. 1 of 2021 in R.C.O.P.No. 127 of 2018 on the file of XIV Small Causes Court, Chennai.

For Petitioner : Mr. A.Ajimath Begum



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ORDER

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The order challenge in this Revision is an order passed under Section 11(4) of the Tamil Nadu Buildings (Lease and Rent Control) Act by the Rent Controller. The said order is an appellable order under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act.

2. Mrs. A.Ajimath Begum, learned counsel for the petitioner would however submit that she has filed Revision under Article 227 of the Constitution of India since consequential order of eviction has been passed by the learned Rent Controller, even that order is appellable under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act.

3. In view of the availability of alternate remedy, I refuse to exercise jurisdiction under Article 227 of the Constitution of India. Hence, this Civil Revision Petition fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

4. Registry is directed to return the copies of the fair and decreetal



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order by the learned Rent Controller to Mrs. A.Ajimath Begum, learned counsel for the petitioner to enable her to file appeal under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act.

5. With the above said direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2022

vsg

Index: Yes/No

Speaking order / Non speaking order

To:

1. XIV Small Causes Court, Chennai.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

Vsg

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