



W.P.No.28311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28311 of 2022

A.Chandraiah

.. Petitioner

Vs

1 The State of TamilNadu
rep. by its Secretary to Government
Housing Urban Development Department
Fort St. George, Chennai – 600 009.

2 The State of Tamil Nadu
rep. by its Secretary to Government
Law Department, Fort St. George
Chennai – 600 009.

3 G.Sudarsan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration to declare that the TNRRRLT Act 2017, more particularly the provisions in Sections 4, 5, 6 to 10, 12, 15 to 17, 20 to 23, 36 and 40, as unconstitutional, discriminative, ultra vires and invalid in law and enacted without



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having any reasonable nexus to the objects.

For the Petitioner : Ms.V.S.Saranya

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for respondents 1 and 2

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

A.Chandraiah, son of Veerasamy Cheety, is a tenant under the third respondent and is carrying on business as a commercial establishment in the front road side ground floor shop measuring 223 sq. ft. at Old No.70, Govindappa Naicken Street, George Town, Chennai. He has filed this writ petition challenging the constitutional validity of Sections 4, 5, 6 to 10, 12, 15 to 17, 20 to 23, 36 and 40 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 [for brevity, "*the TNRRRLT Act, 2017*"].

2. It is the case of the petitioner that he had entered into an



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oral agreement with the third respondent's father and after the purchase of the property by the third respondent, the tenancy has been attained. As there was a dispute regarding ownership of the property between the third respondent and his sister, the sister of the third respondent filed R.C.O.P.No.1823 of 2000 for fixation of fair rent and the Rent Controller fixed the fair rent. Challenging the same, the petitioner filed R.C.A.No.1237 of 2005 and during the pendency of the proceedings, the petitioner the difference in between the rent and the fair rent fixed by the Rent Controller from October, 2000 to November, 2013 and even paid the enhanced rent for the month of December, 2013. On 9.1.2013, R.C.A.No.1237 of 2005 was dismissed as the issue was settled between the parties.

3. It is stated that the third respondent thereafter filed R.C.O.P.No.1055 of 2015 seeking eviction of the petitioner on the ground that the said premises is needed for his own use to park his two wheelers. The said RCOP is pending as on date.

4. When things stood thus, it is stated that the third



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respondent preferred an application, being RLTOP No.438 of 2022, under Sections 21(2)(a) and 23 of the TNRRRLT Act, 2017 for eviction of the petitioner on the ground that the petitioner and the third respondent have not entered into a rental agreement.

5. Learned counsel for the petitioner submitted that RLTOP No.438 of 2022 is not maintainable solely on the ground that the parties have not entered into a rental agreement, inasmuch as it was the third respondent who failed to come forward to execute a written rental agreement.

6. We do not find any merit in the submission made by learned counsel for the petitioner. The petitioner has failed to produce any letter or representation given to the third respondent requesting him to come forward to execute the rental agreement. The writ petition is, therefore, frivolous and devoid of any merit.

In such view of the matter, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.27616



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of 2022 is closed.
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(T.R., ACJ.) (D.K.K., J.)
26.10.2022

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sasi

To:

- 1 The Secretary to Government
State of TamilNadu
Housing Urban Development Department
Fort St. George, Chennai – 600 009.
- 2 The Secretary to Government
State of Tamil Nadu
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T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

(sasi)

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