



W.P.No.32525 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.32525 of 2022

VijaySolanki

...Petitioner

Vs.

1.The District Collector,
Thiruvalluvar District,
Thiruvalluvar.

2.Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thiruvallur District, Thiruvallur.

3.The Indian Oil Corporation Ltd.,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 2nd respondent hereinto to dispose the fair rent application dated 24.01.2020 which is pending on the file No.Na.Ka.339/2020 AA1 of Revenue Divisional officer, 2nd respondent herein within a time frame fixed.



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For Petitioner : Dr.R.Sampath Kumar

For Respondents : Mr.U.Baranidharan

Additional Government Pleader for R1 & R2

Mr.R.Ravi for R3

ORDER

The petitioner seeks a mandamus, directing the Revenue Divisional Officer, Thiruvallur District to dispose of his application filed under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act filed before the said Officer on 24.01.2020. The Revenue Divisional Officer, Thiruvallur has also issued notice to the parties for conducting an enquiry.

2.The very application before the Revenue Divisional Officer, that too under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, in my opinion, is misconceived. The Tamil Nadu Buildings (Lease and Rent Control), Act was repealed by the Tamil Nadu Regulations of Rights and Responsibilities of Landlords and Tenants Act, 2017. The new Act does not contain any provision for fixation of fair rent. Hence, as of today, there is no special machinery for fixation of fair rent. However, it



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is open to the petitioner to file a civil suit.

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3.I am also informed that the petitioner has already moved the Civil Court and has obtained a decree for eviction in O.S.No.81 of 2014. It is made clear that the Application before the Revenue Divisional Officer, Thiruvallur launched by the petitioner purportedly under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, which is no longer on the statute book is not maintainable and it will stand rejected.

4.This Writ Petition fails and it is accordingly, dismissed. No costs. It will be open to the petitioner to pursue his remedies before the appropriate Civil Court.

05.12.2022

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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R.SUBRAMANIAN, J.

KKN

To:-

- 1.The District Collector,
Thiruvalluvar District,
Thiruvalluvar.
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O/o. The Revenue Divisional Officer,
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