

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1603 of 2022

A.G.Selvarajan

... Petitioner

versus

V.Thiruvalluvan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the learned Rent Controller cum Principal District Munsif, Thanjavur District to dispose of interim application in I.A.No.7 of 2022 in RLTOP No.5 of 2021 within a stipulated time.

For Petitioner : Mr.S.Jayachandran

ORDER

This Civil Revision Petition has been filed seeking a direction to the Rent Controller (Principal District Munsif), Thanjavur District to dispose of the interim application in I.A.No.7 of 2022 in RLTOP No.5

of 2021 within a stipulated time.

2. The petitioner herein is the landlord and the respondent herein is the tenant. Since the respondent herein has not paid the rent from January 2017, on the ground of willful default, the petitioner herein has filed RLTOP No.5 of 2021 before the Rent Controller. Pending the same, he has also filed an application in I.A.No.7 of 2022 seeking a direction to the respondent to pay the entire arrears of rent. Since the said application is still pending, the petitioner is before this Court.

3. The learned counsel for the petitioner submits that as per the provisions of Section 34(6)(b) of the Tamil Nadu Regulations and Responsibilities of Landlords and Tenants Act, 2017, applications under clauses (d) and (g) of sub-section (2) of Section 21 shall be decided within 30 days of filing of application to the Rent Court. However, the Rent Controller has not proceeded with in accordance with law. Hence, he prays for a direction to dispose of I.A.No.7 of

2022, within a stipulated time.

4. In order to understand the proviso, Section 34(6) of the Tamil Nadu Regulations and Responsibilities of Landlords and Tenants Act, 2017 is extracted hereunder:

“34(6)(a) All applications under clauses (a), (b), (c), (e), (f) and (h) of sub-section (2) of section 21 shall be decided within 90 days of filing of application to the Rent Court.

(b) Applications under clauses (d) and (g) of sub-section (2) of section 21 shall be decided within 30 days of filing of application to the Rent Court.”

5. As rightly contended by the learned counsel appearing for the petitioner, the Rent Controller ought to have disposed of the said

application within a period of three months. However, the interlocutory application in I.A.No.7 of 2022 filed on 30.03.2021 is still pending before the Rent Controller.

6. Considering the same, the Civil Revision Petition is disposed of with a direction to the Rent Controller (Principal District Munsif), Thanjavur District, to dispose of the application in I.A.No.7 of 2022 in RLTOP No.5 of 2021, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

05.08.2022

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Index : Yes / No

Internet: Yes / No.

To

1. The Rent Controller
(Principal District Munsif),
Thanjavur District

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B.PUGALENDHI, J.

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