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C.R.P.NPD.Nos.1864 and 1889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20/6/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Civil Revision Petition NPD Nos.1864 and 1889 of 2022
a n d
C.M.P.No.9515 of 2022

Heritage Foods (India) Ltd
rep. By its Vice President
Mr.K.Durga Prasad Rao
No.6-3-541 C Panjagutta
Hyderabad 500 082.

...

Petitioner in both the
petitions

Vs

1. C. Srinivasan

...

Respondent in both the
petitions

2. P.M.Shansuddin

3. Akbar Ali

...

Second and third
respondent in C.R.P.
PD.No.1889 of 2022

Prayer in CRP NPD No.1864 of 2022: Petition filed under Article 227
of the Constitution of India against the judgment and decree dated
22/12/2021 made in C.M.A.No.3 of 2020 on the file of the Principal



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2/11/2019 made in I.A.No.5 of 2019 in R.C.O.P.No.11 of 2015, on the file of the District Munsif Court, Krishnagiri.

2. Civil Revision Petition No.1889 of 2022 is filed seeking to set aside the orders passed in R.C.A.No.4 of 2020 on the file of the Principal Subordinate Judge, Krishnagiri, which has reversed the order passed in R.C.O.P.No.11 of 2015, dated 25/11/2009.

3. Since both the matters are arising between the same parties, both of them are being disposed of by way of a common order.

4. The first respondent is the owner of the schedule premises bearing S.F.No.61/3 situated at Veppanapalli Village, Krishnagiri District, measuring an extent of 0.41 cents and 1443 sq.ft built up sq.feet. The said premises was leased out, in favour of the petitioner Company, represented by its Vice President. The first respondent has filed R.C.O.P.No.11 of 2015, on the file of the District Munsif, Krishnagiri, seeking a direction to the petitioner Company to pay a sum of Rs.19 lakhs to him towards arrears of rent and to pay a monthly rent of Rs.50,000/- from May 2015 onwards.



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5. The respondents have filed counter denying all the allegations of the petitioner.

6. The first respondent during the pendency of R.C.O.P.No.11 of 2015 has filed I.A.No.5 of 2019, under Section 11 of the Tamil Nadu Buildings Least and Rent Control Act, 1960, to direct the petitioner/respondent, to deposit the monthly rent to the tune of Rs.44,50,000/- with interest and for an order to continue to deposit Rs.50,000/- from the month of August 2019. The said I.A.No.5 of 2019 was allowed, directing the petitioner Company to deposit Rs.44,50,000/-, in the Court towards arrears of rent on or before 22/11/2019 and continued to deposit Rs.50,000/- p.m., on or before 5th of every English Calendar month. It is also observed that in case, if the petitioner Company fails to deposit Rs.50,000/- every month, all further proceedings in R.C.O.P.No.11 of 2015 will be stopped, and that the petitioner shall deliver vacant possession to the first respondent.

7. Aggrieved by the said orders in I.A.No.5 of 2019, the petitioner



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Company has preferred C.M.A.No.3 of 2020 before the Appellate Authority, Krishnagiri. Learned Rent Controller has passed orders in R.C.O.P.No.11 of 2015 stopping all further proceedings, on 25/11/2019 and directed the petitioner Company to vacate the premises and hand over the vacant possession to the first respondent land lord from two months from the date of order. Aggrieved by the said direction passed in R.C.O.P.No.11 of 2015, the petitioner Company has preferred R.C.A.No.4 of 2020 before the learned Principal Subordinate Judge, Krishnagiri.

8. The learned Principal Judge, Krishnagiri has allowed C.M.A.No.3 of 2020 and also R.C.A.No.4 of 2020, vide judgment and decree, dated 22/12/2021, setting aside the order passed in I.A.No.5 of 2019 in R.C.O.P.No.11 of 2015, dated 2/11/2019 by the Rent Controller, on the ground that no reasoning was given by the Rent Controller in fixing the rent at the rate of Rs.50/- p.m., and the learned Subordinate Judge, has directed the petitioner to deposit Rs.1056951 to the credit of R.C.O.P.No.11 of 2015 on or before 22/1/2022 and further, directed to pay Rs.11,313/- p.m., from 1/8/2021 onwards to the first respondent until disposal of R.C.O.P.



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9. Aggrieved by the said judgment and decree, the petitioner Company has filed these Civil Revision Petitions.

10. Heard Mr.S.Mukundh, learned Senior Advocate for the petitioner and Mr.P.Dinesh Kumar, learned counsel for the first respondent. There is no representation on behalf of the respondents 2 and 3.

11. Learned counsel appearing for the petitioner submitted that both the Courts below have failed to consider the submissions of the petitioner/tenant that the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 are not applicable to the case on hand, as the schedule of property, which is situated at Veppanapalli Town, does not fall within the definition of Municipality or Metropolitan City to which the provisions of the Act applies.

12. The petitioner brought to the notice of this Court that information found in website shows Veppanapalli Town is shown as Block Panchayat, in item No.10. There is no dispute that these provisions of the Act, do not apply to the property, situated at Block Panchayat.



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13. However, of the Courts below have not considered this and have not given any finding as to whether the provisions of the Rent Control Act would apply to the facts of this case, as the rented property is situated in Veppanapalli Village, which is not a Municipality or not a Metropolitan City. The learned counsel appearing for the first respondent has also not placed any material before this Court, to convince that provisions of the Rent Control Act are applicable to the facts of this case. Therefore, in case, if the provisions of the Rent Control Act are not applicable to the facts this case, and the orders passed by the Courts below will be without jurisdiction. The Rent Controller and Appellate Court should have given a clear finding about the applicability of the Rent Controller to the facts of this case.

14. Considering the same, this Court is of the opinion that the matter required to be remanded back to the Rent Controller, with a direction to give a finding in respect of applicability of the provisions of the Rent Control Act. In case, if Rent Control Appellate Authority gives a finding that the provisions of the Rent Control Act are not applicable, then, the



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land lord will be at liberty to seek for appropriate legal remedy by filing appropriate suit or proceedings before the appropriate forum. In case, if the learned Rent Controller finds that the provision of the Rent Control Act is applicable to the facts of this case and in case, if the respondents, who are the tenants are satisfied with the finding that they did not chose to prefer any appeal before the Appellate Authority, then findings already given in respect of committing default by the first respondent/petitioner, in R.C.O.P.No.11 of 2015 and the order passed in R.C.A.No.4 of 2020 and that orders passed in I.A.No.5 of 2019 and C.M.A.No.3 of 2020 stands confirmed.

15. In view of the above, these Civil Revision Petitions are allowed. The matters are remanded back to the learned District Munsif, Krishnagiri, only to decide the applicability of the provisions of the Act to the facts of these cases. The learned District Munsif is directed to dispose of the same by giving a finding, as expeditiously as possible, not later than 3 months, from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

20/6/2023



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Index :yes/no
Neutral Citation: Yes/No
mvs.

To

1. The Principal Subordinate Judge, Krishnagiri
2. The District Munsif, Krishnagiri.



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Dr.D.NAGARJUN,J

mvs.

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