



WEB COPY



C.R.P.No.1688 of 2021
and W.P.No.17181 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

C.R.P.No.1688 of 2021 & W.P.No.17181 of 2021

and

C.M.P.No.13079 of 2021 & W.M.P.No.18206 of 2021

C.R.P.No.1688 of 2021

B.Hemanth ... Petitioner/Respondent

Vs

H.Vijayakumar ... Respondent/Petitioner

PRAYER: Civil Revision Petition had been filed under Article 227 of the Constitution of India, to call for the records in R.L.T.O.P.No.7 of 2021 on the file of the Revenue Divisional Officer, Ponneri (Rent Control Authority) and quash the order dated 09.08.2021 in Na.Ka.2320/2021/A2.

For Petitioner : Mr.P.B.Ramanujam
For Respondent : Mr.S.Raja Ravi Varma

W.P.No.17181 of 2021

Balakrishnan ... Petitioner

Vs

1.The Revenue Divisional Officer,
Ponneri,
Tiruvallur District.



C.R.P.No.1688 of 2021
and W.P.No.17181 of 2021

2.Vijayakumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the proceedings of the first respondent in Na.Ka.No.2320/2021/A2, dated 09.08.2021 and quash the same.

For Petitioner	: Mr.A.E.Ravichandran
For R1	: Mr.Stalin Abhimanyu Additional Government Pleader
For R2	: Mr.D.Rajagopal

COMMON ORDER

In view of the fact that the issue involved in both the cases are one and the same, both the cases are taken up together and disposed of by the common order.

2.The Civil Revision Petition in C.R.P.No.1688 of 2021 has been filed to call for the records in R.L.T.O.P.No.7 of 2021 on the file of the Revenue Divisional Officer, Ponneri (Rent Control Authority) and quash the order dated 09.08.2021 in Na.Ka.2320/2021/A2.



C.R.P.No.1688 of 2021
and W.P.No.17181 of 2021

3. The W.P.No.17181 of 2021 has been filed for issuance of Writ of Certiorari, calling for the records pertaining to the proceedings of the first respondent in Na.Ka.No.2320/2021/A2, dated 09.08.2021 and quash the same.

4. The learned Counsel appearing for the Revision Petitioner submitted that the Revenue Divisional Officer, Ponneri, had passed orders of eviction without jurisdiction as per the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. This maintainability was already raised in C.R.P.No.2845 of 2022.

5. The order dated 08.12.2022 passed by the learned Single Judge of this Court in C.R.P.No.2845 of 2022 covers the dispute raised in the Civil Revision Petition as well as the Writ Petition, regarding maintainability of the order passed by the Revenue Divisional Officer, Ponneri, exercising powers of the Rent Control Court.



C.R.P.No.1688 of 2021
and W.P.No.17181 of 2021

6. The learned Single Judge allowed C.R.P.No.2845 of 2022 by observing as follows:

“15. In the present case, the respondent filed a complaint before the Revenue Divisional Officer, stating that the petitioner has failed to pay the monthly rent to the respondent and therefore, he is liable to be repossessed from the premises. The Revenue Divisional Officer issued notice to the petitioner and passed an order for payment of arrears of rent and in the event of failure to recover the possession. As per Section 21(2) of the Act, the Rent Court alone has got powers to entertain an application made by the landlord and the Revenue Divisional Officer has no jurisdiction to entertain any such application under Section 21(2)(b) of the Act. When Section 21(2) of the Act contemplates that “the Rent Court may, on an application”, then the Revenue Divisional Officer, who is the Rent Authority, has no jurisdiction to entertain an application under Section 21(2)(b) of the Act and passed an order. Therefore, the respondent if at all aggrieved, ought to have approached the Rent Court by following the procedures as contemplated under the Act.

16. The Revenue Divisional Officer, Suramangalam, Salem District, has erroneously exercised the powers under Section 21(2)(b) of the Act and thus, the order is to be construed as non est in law.”



C.R.P.No.1688 of 2021
and W.P.No.17181 of 2021

In view of the order passed by the learned Single Judge of this Court in C.R.P.No.2845 of 2022, dated 08.12.2022, the **Civil Revision Petition and the Writ Petition stand allowed.** Consequently, connected miscellaneous Petitions are closed. No costs.

02.06.2023

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Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order

Note: Issue order copy on 19.06.2023

To

The Revenue Divisional Officer,
Ponneri,
Tiruvallur District.



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C.R.P.No.1688 of 2021
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SATHI KUMAR SUKUMARA KURUP., J.

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