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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM:

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

CRP.No.3282 of 2023
and
CMP.No.20232 of 2023

1.The National Textile Corporation
(Tamil Nadu & Pondicherry) Limited
Government of India undertaking,
Having office at NTC House,
P.O.Box No.2400,
35-B, Somasundaram Mills Road,
Coimbatore-641 009.
Represented by K.Madhusoodanan,
Deputy General Manager (Technical & I/C Marketing).

2.Entyce,
Represented by K.Madhusoodanan,
Deputy General Manager (Technical & I/C Marketing),
129, Old No.57, Purasawalkam High Road,
Chennai-600 007.

... Petitioners

Vs

J.Venkatramana

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and Decreetal order in RLTA No.83 of 2022 on the file of XV Additional City Civil Court, Chennai dated 25.11.2022, confirming the Fair and Decreetal in RLTOP No.52 of 2020 on the file of the XV Court of Small Causes, Chennai dated 13.06.2022.



For Petitioners : Mr.R.Shivakumar
for K.M.Vijayan Associates

For Respondent : M/s.Reshmi Christy

ORDER

The Civil Revision Petitioners are the tenants under the respondent.

The landlord filed an application under Sections 21(2)(a) and 21(2)(b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (hereinafter called as 'The Act'). This was because the parties have not entered into a written agreement as required under Section 4(2) of the Act.

2. RLTOP filed before the Rent Court/XV Small Causes Court, Chennai, was numbered as RLTOP No.52 of 2020. After receipt of the counter from the petitioners/tenants, the Court found that the agreement had not been entered into in terms of Section 21(2) (a) of the Act. Consequently, it ordered eviction.

3. Aggrieved by the same, an appeal was preferred in R.L.T.A.No.83 of 2022 before the learned XV Additional Judge, City Civil Court, Chennai.

The Appellate Authority also found that there is no written agreement



between the parties and therefore, held that the petitioner is liable to be evicted under Section 21(2)(a) of the Act and ordered eviction. Against the said concurrent findings, the present Civil Revision Petition has been filed.

4. Mr.R.Sivakumar, learned counsel representing M/s.K.M.Vijayan Associates, for the petitioners would submit that the landlord has earlier filed an application under Section 4 of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 and therefore, all that the landlord wanted was the rent to be enhanced. Since the landlord has filed an application under Section 4 of the Tamilnadu Buildings (Lease and Rent Control) Act, he is not entitled to seek for eviction under Section 21(2)(a) of the Act.

5. This is resisted by Ms.Reshmi Christy, learned counsel, who appears for the landlord stating that RCOP for fixation of fair rent, had been filed as early as in the year 2010 and since despite several requests to enter into an agreement under the new Act, the tenants did not do so and they had filed the application under Section 21(a) of the said Act.

6. The law has been settled by the judgment of this Court in

S.Muruganandam Vs.J.Joseph (C.R.P.No.3056 of 2021). As per the



verdict of this Court, if the landlord and the tenant do not enter into an agreement as required under Section 4(2) of the Act, the tenant incurs the wrath of Section 21(2)(a) of the Act and the landlord is entitled for an order of eviction.

7. It has been admitted by both sides that no written agreement, as contemplated under Section 4(2) of the Act, has been entered into between the parties. Therefore, Section 21(2)(a) of the Act directly applies and consequently, the petitioners are liable to be evicted. Left with no other option, I confirm the judgment and decree in R.L.T.A.No.83 of 2022 on the file of XV Additional City Civil Court, Chennai, in confirming the fair and decretal order in R.L.T.O.P.No.52 of 2020 on the file of XV Court of Small Causes, Chennai, dated 13.06.2022. Consequently, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.09.2023

Index: Yes/No
Speaking order/Non-speaking order
vkr



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To :

- 1.The XV Additional Judge, City Civil Court, Chennai.
- 2.The XV Judge, Small Causes Court, Chennai.



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V.LAKSHMINARAYANAN,J.,

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