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C.R.P.Nos.4415, 4417 & 4397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

**THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.Nos.4415, 4417 & 4397 of 2023

G.Azariah

... Petitioner in  
all C.R.P.s

-Vs-

- 1.Paresh K Mehta  
Managing Partner of M/s.Intermed
- 2.Mr.Ajay K Mehta
- 3.Smt.Geetha P.Mehta
- 4.Smt.Sonal A.Mehta  
(R2 to R4 Partners of M/s.Intermed  
carrying on business at Door No.19  
Alapakkam Main Road, Alapakkam  
Porur, Chennai 600 116).

... Respondents in  
all C.R.P.s

**Prayer in C.R.P. No. 4415 of 2023** : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 02.08.2023 made in RCA SR.No.5311 of 2023 on the file of the Learned Subordinate Judge, Rent Control Appellate Authority at Poonammallee and number the RCA SR.Nos. 5311 of 2023 against



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RLTOP No.27 of 2021 (RCOP No.1439 of 2012).

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**Prayer in C.R.P. No. 4417 of 2023** : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 02.08.2023 made in RCA SR.No.5313 of 2023 on the file of the Learned Subordinate Judge, Rent Control Appellate Authority at Poonammallee and number the RCA SR.No. 5313 of 2023 against RLTOP No.28 of 2021 (RCOP No.1280 of 2012).

**Prayer in C.R.P. No. 4415 of 2023** : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the order dated 02.08.2023 made in RCA SR.No.5312 of 2023 on the file of the Learned Subordinate Judge, Rent Control Appellate Authority at Poonammallee and number the RCA SR.No.5312 of 2023 against RLTOP No.29 of 2021 (RCOP No.800 of 2013).

For Petitioner : Mr.N.Nagu Sah

### **COMMON ORDER**

Challenging the impugned orders passed in RCA SR.Nos.5311, 5313 and 5312 of 2023 passed by the learned Subordinate Judge, Rent Control Appellate Authority at Poonammallee, the Revision Petitioner/Appellant preferred these Civil Revision Petitions.



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2. Since the relief is claimed challenging the orders passed by the Rent Control Appellate Authority, notice to the respondents is dispensed with.

3. The learned counsel for Revision Petitioner would submit that by invoking old Rent Control Act 18 of 1960, he preferred an appeal before the Rent Control Appellate Authority challenging the order passed by the Rent Controller, but the same was returned by the appellate authority stating that as per G.O.Ms. No.102, dated 27.07.2020, Housing and Urban Development (HB4) Department, the said Rent Control Appeals are not maintainable before the Sub-Court, Poonamallee and directed him to file the same before the Principal District Court, Tiruvallur.

3. Records perused. On perusal of records, it reveals that by invoking old Rent Control Act 18 of 1960, the R.L.T.O.P.s were filed. Against which, now, he preferred those appeals. So, by invoking old Rent Control Act alone, he preferred those appeals before the Sub-Court, Poonamallee which is having jurisdiction to decide the issue. But, without considering the said legal proposition, the observation made by the Rent Control Appellate Authority is erroneous one and the same is liable to be



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set aside. Accordingly, these Civil Revision Petitions are allowed and the findings rendered by the Rent Control Appellate Authority in R.C.A.SR.No.5311 to 5313 of 2023 are set aside. The Rent Control Appellate Authority is directed to take the appeals on file and number the same within a period of three weeks from the date of receipt of copy of this order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**30.11.2023**

Index : Yes/No  
Speaking Order : Yes/No  
rpp

To

The Subordinate Judge,  
Rent Control Appellate Authority  
Poonamallee.



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**T.V.THAMILSELVI, J.**

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