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C.R.P.No.4340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

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

C.R.P.No.4340 of 2023

L.R.Venkatesh ... Petitioner

-Vs-

Rajashekarani ... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed by the learned XI Small Causes Judge, Chennai in RLTOP SR. No.4429 of 2023 dated 18.07.2023.

For Petitioner : M/s.Pass Associates

ORDER

Challenging the impugned docket order passed in RLTOP. SR.No.4429 of 2023 passed by the learned XI Small Causes Judge, Chennai, the Revision Petitioner/landlord preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the



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trial judge, notice to the respondent is dispensed with.

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3. Before the Rent Controller, the Revision Petitioner filed a petition praying to pass an order for recovery of possession on the ground of failure to pay the arrears of rent and other charges and the same was returned by the learned Rent Controller stating that so far, the registration of tenancy has not been completed. So, the application cannot be taken into file, thereby returned the petition. Aggrieved over the same, the Revision Petitioner preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that already he initiated proceedings during the month of June 2023 itself to get the registration of tenancy agreement much earlier, but due to non-availability of Revenue Divisional Officer, it has not been registered and to that effect, he produced the application status, which would reveals that on 11.10.2022, he initiated the proceedings and the same is pending. By relying Sec.4 (4) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, (hereinafter called as 'Act') on receipt of application, the rent authority shall within a period of



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30 days register the agreement and as per Rule 3 (5) of the Tamil Nadu

Regulation of Rights and Responsibilities of Landlords and Tenants Rules

(hereinafter called as “Rules”), the rent authority upon receipt of

application in the form specified shall register the tenancy agreement

within 30 days. Sec.4 (3) and (4) of the Act as well as Rule 3 (5) of Rules

speaks as follows :-

“Sec.4. (3) Every agreement referred to in sub-section (1) or required to be executed under sub-section (2) shall be in such manner and within such period as may be prescribed. (4) The Rent Authority, after receiving such information about tenancy agreement, shall register the agreement and provide a registration number to the parties.

Rule 3 (5) The Rent Authority shall, upon receipt of the application in the form specified in the First Schedule to the Act, verify the name, identity and address of the parties and register the tenancy agreement and grant Tenancy Registration Number (“T.R. No.”) within thirty days from the date of submission of such application.”

By relying the aforesaid proviso, the learned counsel would submit that within 30 days, the authority bound to register the tenancy agreement, but inspite of his application made much earlier in the year of October 2022,



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due to non-availability of Revenue Divisional Officer, the proceedings was adjourned beyond 30 days without any reasons. Therefore, he is entitled to proceed with the proceedings before the Rent Controller as if the agreement is barred by limitation.

5. On considering the above section and provision of law, it reveals that within 30 days, the Revenue Divisional Officer is bound to register the tenancy agreement and in the present case, the revision petitioner/tenant already appeared before the concerned authority for registration of tenancy agreement on 11.10.2022 itself. However, the agreement ought to have been registered on or before 11.11.2022, but after lapse of one year, it has not been registered for no fault on the side of landlord. Therefore, the reason assigned by the Revision Petitioner is justifiable one, but the learned Rent Controller without considering the said legal proposition, insisted the landlord to produce the tenancy agreement as such is erroneous one and the same is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in RLTOP. SR. No. 4429 of 2023 is set aside. The trial judge is directed to number the petition and take the case on file within a period of two weeks from the date of receipt of copy of this order.



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Liberty is granted to the Revision Petitioner to get the registration of tenancy agreement and produce the same even after numbering of the said petition. No costs.

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Index : Yes/No
Speaking Order : Yes/No
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To

The XI Small Causes Judge, Chennai.



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T.V.THAMILSELVI, J.

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