



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.07.2023
Delivered on : 10.11.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.431 of 2023
and
C.M.P(MD)Nos.2082 and 2083 of 2023

Sri Vyasaraaya Mutt,
Through its Peetathipathi
Sri Sri Vidhya Shreeesha Thirtha Swamiji
Through his Power Agent
G.Raghavendran, is recognized
as power agent on behalf of petitioner mutt
vide Court order dated 02/02/2023
made in C.M.P(MD)No.2082/23
1, Vyasaraja Mutt shosalay,
Banne Govindappa Street,
Gandhi Bazaar,
Bangalore.

... Petitioner/Petitioner/
Petitioner

Vs.

1.Devaki
2.R.Ashokkumar
3.R.Kishok
4.R.Srinivasan
5.Parimaladevi
6.Sangareswari

... 1st Respondent/
Petitioner/landlord

...Respondents/
Respondents/Tenants



Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the order dated 22.12.2022 in E.P.No.94 of 2021 in RCOP No.238 of 2008 on the file of the Additional District Munsif, Madurai.

For Petitioner	:Mr.G.Prabhu Rajadurai
For R1	:Mr.S.Ramu
For R4	:No appearance

ORDER

This Civil Revision Petition is filed as against the order dated 22.12.2022 passed in E.P.No.94 of 2021 in RCOP No.238 of 2008 by the Additional District Munsif, Madurai.

2.The petitioner/Mutt is a Hindu Mutt in Karnataka, which was established 800 years ago and the said Mutt is having number of properties in the State of Karnataka as well as in Madurai, Tamil Nadu. The properties in Town S.No.1208/22/2, 1208/22/2A and 1214/1&2 measuring to an extent of 30 acres in Kanagavel Colony, Raja Mill Road, Madurai, belongs to the petitioner Mutt. The Government of Karnataka, by order dated 26.05.2012, has taken over the management of the petitioner Mutt and appointed an Administrator for administering the affairs of the Mutt.

3.The learned counsel appearing for the petitioner submitted that taking advantage of the fact that the Mutt belongs to Karnataka State,



several encroachers tried to swindle the properties belonging to the Mutt.

Therefore, the Government of Karnataka, passed an order on 26.05.2012, to recover the properties belonging to the Mutt from the encroachers.

Following the same, the Government of Tamil Nadu vide G.O.Ms.No.3019, dated 01.08.2014, has restrained the registration authorities from registering the documents pertaining to alienation of any of the properties of the Mutt. While so, the first respondent has filed a petition in RCOP No.238 of 2008 before the Additional District Munsif Court, Madurai, as against the other respondents, as if they are the tenants and obtained a decree in her favour, in respect of the Mutt properties. She has also filed an execution petition in E.P.No.94 of 2021 to execute the decree.

4.According to the petitioner's counsel, it is a collusive suit, which has been filed, in order to usurp the properties of the Mutt and therefore, they are necessary parties. The Executing Court, by order dated 22.12.2022, has ordered for delivery by 02.02.2023. If the delivery is effected, then the petitioner would be put to much difficulties.

5.Learned counsel for the petitioner has also relied upon a similar proceedings before this Court in W.P(MD)No.1459 of 2022, wherein, this Court has held that S.No.1208/22/2 (one of the subject properties) is the property belonging to the Mutt and has rejected the claim made by a third



party with regard to the property. Therefore, he prayed for setting aside the order passed by the Additional District Munsif, Madurai, in E.P.No.94 of 2021, dated 22.12.2022.

6.Admittedly, the petitioner is not a party in RCOP No.238 of 2008 and in E.P.No.94 of 2021. However, the petitioner claims that the subject property in R.C.O.P.No.238 of 2008 belongs to the Mutt. The first respondent in order to grab the property of the Mutt, invoked the provisions of the Tamil Nadu Buildings(Lease and Rent Control) Act, 1960, in collusion with other respondents, who claimed title over the petition mentioned properties and obtained collusive order of eviction. The first respondent also filed an execution petition in E.P.No.94 of 2021 before the District Munsif Court, Madurai, against the other respondents and delivery was also ordered on 02.02.2023 and without the knowledge of the Mutt, the respondents have obtained a collusive order. Therefore, the petitioner was constrained to file this revision to set aside the order passed in E.P.No.94 of 2021.

7.On the other hand, the learned counsel appearing for the first respondent would submit that the suit property was purchased by the first respondent in the year 1994 from the petitioner Mutt through its power agent, by virtue of registered sale deed, dated 31.01.1994 for valuable



consideration. From then onwards, the first respondent was in possession and enjoyment of the same. The revenue records were transferred in the name of the first respondent. Thereafter, the first respondent inducted the father of the respondents 2 to 6 herein viz., Raju, who is none other than her husband's brother, as a tenant in January 2000 for residential purpose and he was paying rent up to the year 2004. Thereafter, a civil dispute arose between the first respondent's husband and the said Raju, which resulted in initiation of suit for partition. Since the said Raju failed to pay the rent after June 2004, the first respondent was constrained to file eviction petition in R.C.O.P.No.238 of 2008 on the ground of wilful default before the Principal Rent Controller, Madurai. After completion of trial, an order of eviction was passed on 19.09.2017. Against which, the said Raju preferred an appeal in R.C.A.No.51 of 2017 before the Rent Control Appellate Authority, Madurai. During the pendency of the said RCA, the said Raju died and therefore, his legal heirs were impleaded as appellants. The said appeal was also dismissed on 06.01.2020.

8. Aggrieved over the same, the second and third respondents preferred a revision petition in C.R.P(MD)No.736 of 2020 before this Court. The said C.R.P was dismissed on 06.10.2020. However, the respondents 2 to 6 have not vacated the house property and hence, the first respondent filed an execution petition in E.P.No.94 of 2021 for execution of the



eviction order. While so, the petitioner herein filed an application to implead as a party in the execution proceedings. Since the execution proceedings are dragged on, the first respondent filed a contempt petition in Cont.P(MD)No.1003 of 2022 before this Court against the respondents 2 and 3, for compliance of the order dated 06.10.2020. The said contempt petition was closed on 29.11.2022. The learned counsel for the first respondent would further submit that the present revision is filed with an intention to stall the execution proceedings. Hence, the same is liable to be dismissed.

9.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials available on record.

10.As per the observation made by this Court in the order dated 29.11.2022, the revision petitioner/Mutt has to work out its remedy independently. In rent control proceedings, the jural relationship between the landlord and the tenant alone is to be considered. Even if the petitioner/Mutt wanted to establish its right over the petition mentioned property, it has to initiate a separate suit for declaration of title, in the manner known to law. Moreover, the application filed by the revision petitioner/Mutt to implead the Mutt in the contempt proceedings was



rejected by this Court. Therefore, the present civil revision petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10..11.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

To

1.The Additional District Munsif,
Madurai.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

K.GOVINDARAJAN THILAKAVADI, J.

Ns



WEB COPY



C.R.P(MD)No.431 of 2023
and
C.M.P(MD)Nos.2082 and 2083 of 2023

10.11.2023