



C.R.P(MD).No.614 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.614 of 2023

R.Srither

... Petitioner/Appellant/Landlord

Vs.

Syed Ameenuddin

... Respondent/Respondent/Tenant

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the docket order dated 18.08.2021 made in unnumbered RLTOP.No..... of 2021 (Filing No.OP(RLTOP)/450/2021) on the file of the Principal District Munif (cum) Rent Court, Tiruchirappalli and consequently, direct the learned Principle District Nunsif (cum) Rent Court, Tiruchirappalli, to number the RLTOP Petition.

For petitioner : Mr.M.Ashok Kumar

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the docket order dated 18.08.2021, made in unnumbered RLTOP.No..... of 2021 (Filing No.OP(RLTOP)/450/2021) on the file of the Principal District Munif (cum) Rent Court, Tiruchirappalli and consequently, direct the learned



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Principle District Munsif (cum) Rent Court, Tiruchirappalli, to number the
RLTOP Petition.

2.The petitioner appears to be owner of the property. The petitioner had earlier filed RCOP.No.58 of 2017 under Section 10(2) (I) of the T.N.L.B Act, 1960 to the respondent.

3.The specific case of the petitioner is that the petitioner also wanted to work out his remedy under Section 21(2)(g) of Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenant Act, 2017, which has not been allowed to be numbered on the ground that the prior application in RCOP.No.58 of 2017 was filed in the year 2017 and therefore, the demand for own occupation under the new Act cannot be entertained.

4.There is no merits in the impugned docket order. *Prima facie*, the petitioner is entitled to alternative relief after Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenant Act, 2017 after it came into force. If at all, It is for the respondent to raise any objection regarding maintainability of petition. filed under Section 21(2)(g) of Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenant Act,



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2017. Therefore, the docket order dated 18.08.2021, made in unnumbered RLTOP.No..... of 2021 (Filing No.OP(RLTOP)/450/2021) on the file of the Principal District Munif (cum) Rent Court, Tiruchirappalli, is set aside and the Civil Revision Petition is allowed. The learned Principal District Munsif cum Rent Court, Tiruchirappalli, is directed to number the petition filed by the petitioner under Section 21(2)(g) of Tamilnadu Regulation of Rights and Responsibilities of Landlords and Tenant Act, 2017, decided the case on merits. No costs.

06.03.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

Note : The Registry is directed to return the original of the unnumbered RLDOP

To

- 1.The Principal District Munif (cum) Rent Court,
Tiruchirappalli.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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