



C.R.P.(MD).Nos.1252 to 1254 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD).Nos.1252 to 1254 of 2023

and

C.M.P.(MD).Nos.6109 to 6111 of 2023

C.R.P.(MD).No.1252 of 2023

P.Senthil Asari

... Petitioner

Vs.

S.Augusta

... Respondent

PRAYER : Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to call for the records and set aside the Judgment and Decree passed by the Rent Control Appellate Tribunal (Sub-Court), Thoothukudi, in R.C.A.No.06 of 2021 on 01.03.2023 confirming the fair and decreetal order passed by the Principal District Munsif Court/ Rent Control Court, Thoothukudi in R.C.O.P.No.8 of 2019 on 03.02.2021.

For Petitioner :Mr.M.Jothi Basu



C.R.P.(MD).Nos.1252 to 1254 of 2023

C.R.P.(MD).No.1253 of 2023

L.Ramasamy Pillai

... Petitioner

Vs.

S.Augusta

... Respondent

PRAYER : Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to call for the records and set aside the Judgment and Decree passed by the Rent Control Appellate Tribunal (Sub-Court), Thoothukudi, in R.C.A.No.07 of 2021 on 01.03.2023 confirming the fair and decreetal order passed by the Principal District Munsif Court/ Rent Control Court, Thoothukudi in R.C.O.P.No.7 of 2019 on 03.02.2021.

For Petitioner :Mr.M.Jothi Basu

C.R.P.(MD).No.1254 of 2023

G.Selvaraj

... Petitioner

Vs.

S.Augusta

... Respondent

PRAYER : Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to call for the records and set aside the Judgment and Decree passed by the Rent Control Appellate Tribunal (Sub-Court), Thoothukudi, in R.C.A.No.08 of 2021 on



C.R.P.(MD).Nos.1252 to 1254 of 2023

01.03.2023 confirming the fair and decreetal order passed by the Principal District Munsif Court/ Rent Control Court, Thoothukudi in R.C.O.P.No.4 of 2019 on 03.02.2021.

For Petitioner :Mr.M.Jothi Basu

COMMON ORDER

The petitioners are the respondent before the learned Rent Control Board /District Munsif Court at Thoothukudi in R.C.O.P.Nos.4, 7 and 8 of 2019. The rent control proceedings were initiated by the respondent herein, after having purchased the property from the original owner namely Sankaranarayanan, who had earlier purchased it from one Veldurai.

2. It is the specific case of the petitioners that the sale in 2018 between the said Sankaranarayanan and the respondent was sham and nominal and that there was no relationship between the respondent and the petitioners herein as that of land lord and tenant. It is further submitted that the proceedings were initiated under the provisions of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, even though



C.R.P.(MD).Nos.1252 to 1254 of 2023

the said Act stood replaced by Tamil Nadu Regulation of Rights and Responsibilities of Land lord and Tenants Act 2017.

3. It is the specific case of the petitioner that the said Act also received the assent of the Governor of Tamil Nadu on 07.08.2017 and therefore, the proceedings initiated under the repealed namely Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 was without any authority. Hence, it is submitted that the fair and decreetal order passed in R.C.O.P.Nos.4, 7 and 8 of 2019 were liable to be set aside. It is further submitted that the order of the Rent Controller was wrongly affirmed by the Rent Control Appellate Tribunal, Thoothukudi in R.C.A.Nos.6, 7 and 8 of 2021 by a separate fair and decreetal order dated 01.03.2023.

4. I have considered the arguments advanced by the learned counsel for the petitioners.

5. The learned counsel for the petitioners cannot state that the petitioners and the respondent did not have any landlord and tenant relationship merely because the property was purchased by the



C.R.P.(MD).Nos.1252 to 1254 of 2023

respondent in the year 2018. They have themselves admitted that there was a sale deed executed by Mr.Sankaranarayanan in favour of the respondent. It is of no consequences, as far as Tamil Nadu Regulations of Rights and Responsibilities of Landlord and Tenants Act, 2017 is concerned. Although it received assent of the Governor of Tamil Nadu on 07.08.2017, the same came into force only on 21.02.2021. Therefore, the objections that the proceedings were initiated under the proceedings of the erstwhile Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, after the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017 received the Governor's assents on 07.08.2017, cannot be countenanced. Section 1(2)(A) of the Act makes it clear that Government may, by notification, direct that all or any of the provisions of the Act shall come into force.

6. Considering the fact that the Tamil Nadu Regulations of Rights and Responsibilities of Landlord and Tenants Act, 2017 came into force only on 21.02.2021, it cannot be said that R.C.O.P.No.8 of 2019 filed under Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, was without jurisdiction. The petitioners having suffered adverse orders



C.R.P.(MD).Nos.1252 to 1254 of 2023

against them in R.C.O.P.No.8 of 2019, cannot challenge the impugned order dated 01.03.2023 passed by the Rent Control Appellate Court in R.C.O.P.No.8 of 2019 uphold order dated 03.02.2021.

7. Therefore, there are no merits in these Civil Revision Petitions. They are liable to be dismissed. Thus, they are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.06.2023

NCC :Yes / No
Index :Yes / No

sbm



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C.R.P.(MD).Nos.1252 to 1254 of 2023

C.SARAVANAN, J.

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C.R.P.(MD).Nos.1252 to 1254 of 2023
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