



C.R.P(MD)No.1289 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1289 of 2023

and

C.M.P(MD)No.6341 of 2023

M.K.Sivanandham

... Petitioner

Vs.

S.Haja Allavuddin

...Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the return order passed by the Rent Court dated 30.03.2023 passed in unnumbered I.A.No. / 2022 in R.L.T.O.P.No. 14 of 2022 before the Principal District Munsif Court, Thanjavur.

For Petitioner

: Mr.P.Mani Anandh



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ORDER

The present Civil Revision Petition has been filed to call for the records and to set aside the return order passed by the Rent Court, dated 30.03.2023, passed in unnumbered I.A.No. / 2022 in R.L.T.O.P.No.14 of 2022 before the Principal District Munsif Court, Thanjavur.

2. Relevant portion of the return order, dated 30.03.2023, reads as under:

“As per Section 14 of TNRRR of LT Act 2017, this petition has to be filed before Rent Authority not before this Rent Court. Hence petition returned.”

3. The petitioner has challenged a return order, dated 30.03.2023, passed by the Principal District Munsif Court, Thanjavur as the Rent Court on the ground that only the Rent Authority is empowered to receive the rent under Section 14 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

4. A reading of proviso to Section 21 (2) (b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017



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indicates that no order for eviction of the tenant on account of default of payment of rent shall be passed, if the tenant makes payment to the landlord or deposits with the Rent Court all arrears of rent including interest within one month of notice being served on him. The only restriction is in the proviso to Section 21 (2) (b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, which reads as under:

“21(2)(b).....Provided further that this relief shall not be available again, if the tenant defaults in payments of rent consecutively for two months in any one year subsequent to getting relief once;”

5. In this case, admittedly, the attempt of the petitioner is to deposit before the Rent Court. Therefore, the impugned return order passed on 30.03.2023 *prima facie* not correct and is liable to be interfered with. Accordingly, it is set aside. Rent Control Court, namely, the Principal District Munsif Court, Thanjavur is therefore directed to number the application filed by the petitioner for depositing the rent and dispose the same on merits after issuing notice to the respondent. Registry is directed to return the originals to the petitioner for representation before the Sub Court.



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6. This Civil Revision Petition stands allowed with the above observation. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

06.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
BTR

To

- 1.The Principal District Munsif Court,
Thanjavur.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN, J.

BTR

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