



CRP(MD)No.2337 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.2337 of 2019
and CMP(MD)No.12339 of 2019

T.Victor

... Petitioner

versus

S.Siriyapushpam

... Respondent

Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease & Rent Control), Act, 1960, against the fair and decreetal order dated 25.09.2019 made in R.C.A.No.2 of 2019 on the file of the learned Principal Sub-Judge, Thanjavur, confirming the order dated 09.02.2019 made in R.C.O.P.No.12 of 2016 on the file of the Rent Control Tribunal (Rent Controller), Thanjavur.

For Petitioner : Mr.K.Guhan
For Respondent : Mr.A.Arun Prasad

ORDER

This Civil Revision Petition is filed as against the fair and decreetal order dated 25.09.2019 made in R.C.A.No.2 of 2019 on the



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file of the learned Principal Sub-Judge, Thanjavur, confirming the order dated 09.02.2019 made in R.C.O.P.No.12 of 2016 on the file of the Rent Controller cum District Munsif, Thanjavur.

2. The respondent/landlord has filed an eviction petition in R.C.O.P.No.12 of 2016 before the Rent Controller cum District Munsif, Thanjavur, on the ground of willful default. The Rent Controller, by order dated 09.02.2019, allowed the said petition, against which, the petitioner/tenant has preferred an appeal before the Rent Control Appellate Authority (learned Principal Subordinate Judge), Thanjavur, in R.C.A.No.2 of 2019, which was dismissed by order dated 25.09.2019. Aggrieved over the same, the present Civil Revision Petition is filed by the petitioner/tenant.

3. The learned counsel appearing for the petitioner submits that the subject property is situated within the limits of Villar Panchayat and as such, the Rent Controller is not having jurisdiction.



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4. It is seen that the petitioner has not raised the issue of jurisdiction point before the Rent Controller, however, he raised the same before the Rent Control Appellate Authority. The Rent Control Appellate Authority has also answered the same in paragraph 10 of its order dated 25.09.2019, which reads as under:

“10. The next ground to be answered in the appeal with regard to the jurisdiction of the Rent Controller to decide the rental dispute between the petitioner and the respondent. It is contended by the respondent that the petition mentioned property is situated within the limits of Villar Panchayat and as such, as per the provisions contained in the Rent Control Act, 1960, the learned Rent Controller does not have jurisdiction in respect of the petition mentioned property but the petition with regard to the jurisdiction was not raised in the original petition before the learned Rent Controller. Therefore, the learned Rent Controller has not decided this issue of jurisdiction. As per the description of the property in the petition, it is situated within the limits of Thanjavur



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Taluk within the sub registration district of Joint I Sub Registrar, Thanjavur. It is situated in Villar road within the limits of Thanjavur Taluk. The respondent has not produced any document with regard to the jurisdiction of the Rent Controller, Thanjavur. But, since the property is situated within the taluk limits of Thanjavur, the Rent Control Petition is very much maintainable before the learned Rent Controller, Thanjavur. Therefore, the contention of the respondent with regard to the jurisdiction point is not legally sustainable and same is liable to be dismissed.”

5. Therefore, this Court does not find any reason to interfere with the order of the Rent Control Appellate Authority. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.01.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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To

1. The learned Principal Sub-Judge,
Thanjavur.
2. The Rent Controller cum District Munsif,
Thanjavur.
3. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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