



WEB COPY



W.P.No.473 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2024

CORAM:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.No.473 of 2024

and

W.M.P.No.498 of 2024

G.Latha

...Petitioner.

Versus

1.The Revenue Divisional Officer,
Salem District.

2.V.N.Krishnaraj

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of certiorari calling for the records with respect of the impugned proceedings dated 13.12.2023 in Na.Ka.No.5820/2023/A1 passed by the 1st respondent and quash the same and pass such further or other orders.

For petitioner : Mr.R.Nalliyappan

For respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of certiorari calling for the records with respect of the impugned proceedings dated 13.12.2023 in Na.Ka.No.5820/2023/A1 passed by the 1st respondent and quash the same.

2. Mr.R.Nalliyappan, learned counsel for the petitioner submits



W.P.No.473 of 2024

that the Revenue Divisional Officer, Salem/1st respondent has no authority to pass the eviction order under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, Section 2(J) of the Act defines that the Rent Court constituted under Section 31 of the Act and Section 31 deals with constitution of Rent Courts and Section 32 says no doubt the Government by its Notification constitute such number of Rent Courts in as many as Urban Areas can be deemed necessary by it. As per Section 32 (4) it is very clear that no person shall be eligible to be appointed as Presiding Officer of the Rent Court unless he has the liberty of the State Judicial Services.

3. Whereas in this case, the 1st Respondent is not the Competent Officer of State Judicial Services, therefore, he is not the competent person to pass such eviction order under the above said Act. Therefore, the impugned order passed by the 1st respondent is set aside and the petitioner is at liberty to workout his remedy in a manner known to law.

4. Accordingly, with the above observations and directions, the writ petition stands disposed. There shall be no order as to costs.



W.P.No.473 of 2024

Connected writ miscellaneous petition is closed.

WEB COPY

22.01.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case: Yes/No
nst

To:
The Revenue Divisional Officer,
Salem District.

P. VELMURUGAN,J.



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