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C.R.P (PD) No.1666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P (PD) No.1666 of 2024

&

C.M.P.No.8801 of 2024

A.Muthuraj

.. Petitioner

vs.

Mrs.B.Rekha

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order in R.L.T.A.No.101 of 2023 dated 10.10.2023 passed by the learned XVII Additional City Civil Court, Chennai confirming the order passed in R.L.T.O.P.No.386 of 2020 by the XIII Judge Court at Small Causes, Chennai.

For Petitioner

:

Mr.R.Venkatesh

ORDER

This revision arises against the order passed in R.L.T.A.No.101 of 2023 dated 10.10.2022 by the learned XVII Additional City Civil Court at Chennai in confirming the order passed in R.L.T.O.P.No.386 of 2020 dated 29.11.2022 by the XIII Court of Small Causes, Chennai.



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C.R.P (PD) No.1666 of 2024



C.R.P (PD) No.1666 of 2024

2. R.L.T.O.P.No.386 of 2020 was filed by the landlady. The relationship between the parties is not in dispute. A rental agreement was entered on 01.04.2016 for a period of 11 months on the condition that the tenant will pay a sum of Rs.3,000/- per month. An advance of Rs.30,000/- was fixed. Thereafter, a fresh agreement was entered into on 01.03.2017 enhancing the rent to Rs.3,500/-. This period expired on 31.01.2018. After the expiry of the period on 31.01.2018, no rental agreement was entered into between the parties. As the landlord and tenant failed to enter into an agreement in terms of Section 4(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, a petition was filed for eviction invoking Section 21(2)(a) of the said Act. The learned trial Judge ordered eviction on 29.11.2022. Challenging the same, an appeal was filed before the XVII Additional City Court at Chennai in R.L.T.A No.101 of 2023 and the same was dismissed confirming the order passed by the Rent Controller, against which the present revision.

3. The position of law has been laid down by my eminent brother Hon'ble Mr.Justice R.Subramaniam in ***S.Muruganandam Vs. J.Joseph*** [2022(2) CTC 291]. In the said judgment, he has held that even if the tenant is willing to enter into an agreement and the landlord



C.R.P (PD) No.1666 of 2024

unreasonably refuses to enter into an agreement, even then Section 21(2)(a) will operate.

4. In the light of the above position of law, if I look at the facts of the present case, no agreement has been entered into after 31.01.2018. Therefore, in the absence of an agreement under Section 4(2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, the provision of Section 21(2)(a) automatically will kick in.

5. In such circumstances, I do not find any error or illegality in the order of Rent Control Appellate Authority or Rent Controller.

6. In fine, the Civil Revision Petition is dismissed. The time for eviction is six months. The tenant shall file an affidavit of undertaking on or before 29.04.2024 stating that

- i) he will not default in the payment rents;
- ii) he shall not push the landlord to take separate execution proceedings: and
- iii) he will not put any third party in possession of the property.



C.R.P (PD) No.1666 of 2024

7. If any one of the clauses are violated, the landlord is entitled to initiate eviction proceedings and proceed further in accordance with law.

No costs. Consequently, the connected miscellaneous petition is closed.

12.04.2024

Index: Yes/No

Neutral Citation: Yes/No

gpa

To

1. XVII Additional City Civil Court, Chennai
2. XIII Judge Court at Small Causes, Chennai.
3. The Section Officer
VR Section
Madras High Court



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C.R.P (PD) No.1666 of 2024

V. LAKSHMINARAYANAN, J.

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C.R.P (PD) No.1666 of 2024

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