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CRP No.939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.939 of 2024

S.Purusothaman

... Petitioner

Vs.

1.R.Narayanan

2.Mangadhu G.S.Sekar

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the docket order dated 31.01.2024 made unnumbered I.A.No... of 2024 in RLTOP No.13 of 2022 and direct the learned Rent Controller (District Munsif), Kancheepuram to number the application by allowing this revision petition.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.S.Prabhu

ORDER

This Civil Revision Petition is filed to set aside the docket order



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dated 30.01.2024 made unnumbered I.A.No. of 2024 in RLTOP No.13 of 2022 and direct the learned Rent Controller (District Munsif), Kancheepuram to number the application by allowing this revision petition.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the respondents filed RLTOP No.13 of 2022, on the file of the learned Rent Controller (District Munsif), Kancheepuram against the revision petitioner for eviction. In that case, the petitioner filed an application and stated that in order to cull out the real facts with regard to the above said property comprised in Survey No.494, the book No.34 of the HR & CE department of Vellore and Nungambakkam Commissioner office, Chennai, is necessary one in this case and on perusal of the same, it will clearly establish that the said disputed property is not belonging to the respondents. Hence, in the interest of justice, this Court may be pleased to give order to the Commissioner, HR & CE Department, Chennai to produce the said document and it will clearly establish that the suit property is not belonging to the respondents, otherwise, I will be put to irreparable loss,



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injury and which cannot be compensated by money claim. The learned Judge returned the application by passing docket order dated 31.01.2024 and not numbered the petition. Aggrieved by this, the present revision petition is filed.

3. The learned counsel for the petitioner further contended that the respondents are not the owner of the premises and it belongs to HR & CE department. Therefore, he disputing the title over the premises. The Court has to consider the request of the petitioner. Hence he seeks to allow the petition.

4. The learned counsel for the respondent submitted that the case is posted for arguments. At the fag of enquiry, the petitioner has filed this petition. Therefore, objected the petition and seeks for dismissal.

5. Section 36(2) of the Tamil Nadu Regulation of Rights and Responsibility of Landlords and Tenants Act, 2017, described the procedure



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to consider the evidence given by the parties in the affidavit and if necessary in the interest of justice to call a witness for examination or cross examination. In this case, the revision petitioner wants to let document to show that the premises belonged to HR & CE department. Therefore, the trial Court is hereby directed to receive the documents filed by the petitioner to show the title of the disputed premises and it belongs to whom and receive it and considering it after giving notice to the respondent.

6. After considering the submission of both the parties, the Rent Court is directed to decide the case on merits. The Rent Court is directed to dispose the case within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is allowed.

No costs.

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To

The Rent Controller (District Munsif), Kancheepuram.



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V.SIVAGNANAM, J.

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