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C.R.P.(PD)No.832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.832 of 2023

and

C.M.P.Nos.6343 of 2023 & 15392 of 2024

Ashok Nandavanam Properties Private Limited,
Represented by its Director A.Sivasankar,
having office at No.11 F-Block,
2nd Main Road, Anna Nagar East,
Chennai – 600 102

.. Petitioner

Vs.

Rahul Nandagopal Natarajan

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order, dated 01.02.2023, passed in M.P.No.3 of 2022 in RLTOP.No.293 of 2022 on the file of the XI Small Causes Court at Chennai.

For Petitioner : Mr.S.R.Rajagopalan
Senior Counsel for Mr.S.Namasivayam

For Respondent : Ms.Nalini Chidambaram
Senior Counsel for Mr.A.Govindaraj



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ORDER

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The present Civil Revision Petition arises against an order passed by the learned XI Judge, Small Causes Court at Chennai in M.P.No.3 of 2022 in RLTOP.No.293 of 2022 dated 01.02.2023.

2. There is no dispute in the relationship between the landlord and the tenant.

3. The civil revision petitioner is the tenant and the respondent is the landlord. Seeking an order of recovery of possession, a petition in RLTOP.No.293 of 2022 was presented by the respondent/landlord. The ground on which the eviction was sought is under Section 21(2)(a) and Section 21(2)(g) of the Act 42 of 2017.

4. On service of summons, the petitioner/tenant filed an application in M.P.No.3 of 2022. The prayer that was sought by the tenant is to direct the respondent/landlord to furnish the details of invoices raised, receipts issued and the details of service tax/GST paid to the Government to enable the tenant to file his counter. The reason for filing this petition is that from the



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date of tenancy, namely 15.11.2013, no invoices were received indicating the amount of rent and the amount of service tax. The same situation prevailed even after the GST regime came into force.

5. The learned Rent Controller dismissed the petition on the ground that the details are within the knowledge of the tenant, and the filing of a counter is not predicated on the availability of the documents. She further categorically held that the ground on which the case had been filed is non-execution of the rental agreement as per the Act and for the said purpose, the documents sought are unnecessary.

6. Challenging the same, the present revision has been presented before this Court.

7. Heard Mr.S.R.Rajagopalan, learned Senior Counsel for Mr.S.Namasivayam, appearing on behalf of the petitioner and Ms.Nalini Chidambaram, learned Senior Counsel for Mr.A.Govindaraj, appearing on behalf of the respondent.



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WEB COPY 8. Mr.S.R.Rajagopalan would contend that in terms of Section 37(1)(b) and Section 37(1)(j) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, the Rent Court has the jurisdiction to decide on discovery and inspection of documents, and also for any other matter that may be prescribed. He would state that the tenant has been paying the rent of Rs.3,25,644/-. He would say that this amount, which he is paying as a lumpsum, the landlord had stated, includes the GST factor also. It was in that light, he wanted to summon the records so as to enable the tenant to file a counter.

9. There is no dispute, after the presentation of the revision, that the tenant had already filed a counter. If that is the situation, the petition itself become infructuous, since the purpose for which the documents were sought was for filing of a counter, and the counter having been filed, the necessity for seeing the document stands extinguished.

10. Furthermore, the ground on which the eviction was sought is



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under Section 21(2)(a) and Section 21(2)(g) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The ground for eviction in Section 21(2)(a) of the said Act is that no agreement had been entered into as required under Section 4(1) of the Act 42 of 2017. For the said purpose even if the tenant scrupulously pays the amount demanded by the landlord as rent and if he has not entered into a written agreement, the axe will have to fall. The eviction is on the ground that there is no agreement, and for the said purpose, the GST or any other record that was sought by the petitioner is absolutely irrelevant. I do not find any ground to interfere with the order passed by the learned XI Judge of Small Causes Court at Chennai.

11. Taking into consideration the fact that the tenant has already filed his counter in RLTOP.No.293 of 2022, the learned XI Judge of Small Causes Court at Chennai is requested to dispose of the proceeding within a period of three months from the date of receipt of a copy of this order.



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12. Accordingly, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petitions are closed.

02.08.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

Note : Issue order copy on *05.08.2024*.



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V. LAKSHMINARAYANAN, J.

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To

The learned XI Judge of Small Causes Court,
Chennai

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and

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