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C.R.P.No.1462 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.No.1462 of 2024**

**and**

**C.M.P.No.7857 of 2024**

Peer Saleem

..Petitioner

Vs.

- 1.W.S.Magdoom Mohamed
- 2.A.H.Naina Sahib
- 3.W.M.A.S.Zeenath Munavara
- 4.M.I.Ummu Habeeba
- 5.W.M.S.Kurrath
- 6.W.M.N.Beevi Fathima Thasnneem
- 7.S.H.Syed Asia
- 8.S.H.Abdul Ghaffar Rilwan
- 9.W.M.A.S.Fathima Muneera
- 10.W.C.S.Shahul Hameed
- 11.W.C.S.Uvais Fahmi
- 12.Y.M.M.Mohamed Ibrahim
- 13.W.A.S.Shahul Hameed
- 14.M.I.Basariay



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15.Y.M.M.Shahul Hameed Niyas

16.W.U.Fathima Rifqa

17.S.Mariam Thahira

18.W.M.M.Magudoom Fuaad

19.W.M.S.Nusrath

20.W.M.S.Mumtaj

21.W.M.A.S.Shahul Hameed

22.W.M.A.S.Ummu Habeeba

23.W.M.A.S.Fathima Fahima

All represented by their Power Agent,

M/s.WAVOO MAGDOOM REALTORS,

Represented by its Partner W.M.M.Maznavi.

..Respondents

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order of return dated 15.03.2024 passed in R.L.T.O.P.No.578 of 2023 and to direct to number the M.P and to pass appropriate orders on merits on the file of the XIII Small Causes Court, Chennai by allowed this Civil Revision Petition.

For Petitioner : Mr.C.Paramasivam

For Respondents : Mr.V.Sivakumar

for M/s.P.B.Ramanujam Associates



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## **ORDER**

This Civil Revision Petition arises against the order passed by the learned XIII Court of Small Causes Judge in M.P.Sr.No.11277 of 2024 in R.L.T.O.P.No.578 of 2023 dated 15.03.2024.

2. The civil revision petitioner is the tenant. The landlord has invoked Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (herein after referred to as TNRRRLT Act). The tenant has been served and he has also gone on record by way of counter.

3. Thereafter, he took out an application in M.P.Sr.No.11277 of 2024 to reject the claim petition. He has invoked the provisions of Section 36 of TNRRRLT Act for the said purpose. Aggrieved by the return made in the said petition, this revision has been presented before this Court.



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4. Heard Mr.C.Iyyappa Raj, learned counsel appearing for the civil revision petitioner and Mr.V.Sivakumar, learned counsel appearing for M/s.P.B.Ramanujam Associates, learned counsel for the respondents.

5. Mr.C.Iyyappa Raj, learned counsel appearing for the civil revision petitioner would submit that in terms of the judgment in ***S.Muruganandam Vs. J.Joseph*** reported in ***2022 SCC OnLine Mad 375***, the rent control petition itself is not maintainable. He would state that the present tenancy falls under the category No.v as enumerated by the learned Judge in paragraph No.23. He would also point out from Paragraph No.38 that since this falls under the category of clause No.v the only remedy of the landlord is to file a suit before the City Civil Court invoking Section 106 of the Transfer of Property Act. He would plead that this is what he wanted to bring to the notice of the Court by way of objection and that petition came to be dismissed.

6. In addition he would submit that he is a tenant holding over and therefore the appropriate remedy cannot be under Section 21, but would have to be under an application of the general law in terms of Section 34



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of the TNRRRLT Act and even in such situation, the landlord should be referred to the civil Court.

7. I have carefully considered the submissions of Mr.C.Iyyappa Raj, learned counsel appearing for the civil revision petitioner.

8. The rent controller is the Court of limited jurisdiction. The provisions of the Code of Civil Procedure does not apply, as it has been specifically excluded under Section 36 of the said Act. The power to reject the plaint is available to the civil Court by virtue of Order VII Rule 11 of the Code of Civil Procedure. Such a procedure is not available to the rent controller. Therefore, the foundation of jurisdiction of the Rent Controller is the existence of the jural relationship of landlord and tenant. That is not in dispute in the present case. The dispute in the present case is that by virtue of TNRRRLT Act is interpreted by ***S.Muruganandam Vs. J.Joseph*** cited supra, the Court does not have jurisdiction.

9. I am certain that if this objection is raised in the counter, it will be considered by the Rent Controller. The summary procedure as



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contemplated under this Act cannot be modified into a mini trial before the actual trial takes place by filing the petition for rejection of the petition. When there is no provision for filing rejection petition, the view of the Rent Controller that the petition is not maintainable cannot be interfered with.

10. Leaving it open to Mr.C.Iyyappa Raj, learned counsel appearing for the civil revision petitioner to raise all these points in the counter, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**05.09.2024**

dsa

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-Speaking order



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To

The District Munsif,  
Chengalpattu.



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**V.LAKSHMINARAYANAN,J.**

dsa

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**05.09.2024**