



C.R.P.Nos.1731 & 1784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.Nos.1731 & 1784 of 2024

P.Lokeshwaran

... Petitioner in both CRPs

Vs.

M.Zakir Hussain,
Proprietor Zakir Steels Sheet
Metal Supply and Scrap Dealer,
Two shops Nos. 1 & 3
Plot No.5, Church Street,
TMP Nagar, Padi, Chennai - 600 050.

... Respondent in CRP.No.1731 of 2024

Mohamed Zubair,
Proprietor Sheet Metal
Supply and Scrap Dealer,
Two shops Nos. 1 & 3
Plot No.5, Church Street,
TMP Nagar, Padi, Chennai - 600 050.

... Respondent in CRP.No.1784 of 2024

PRAYER in CRP.No.1731 of 2024 : Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Principal District Munsif Judge, Ambattur to dispose the Execution Petition



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No.7 of 2023 in R.L.T.O.P.No.34 of 2021 filed for eviction and delivery of possession within a short stipulated time.

PRAYER in CRP.No.1784 of 2024 : Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Principal District Munsif Judge, Ambattur to dispose the Execution Petition No.6 of 2023 in R.L.T.O.P.No.33 of 2021 filed for eviction and delivery of possession within a short stipulated time.

For Petitioner : Mr.S.Venkatesh in both cases
For Respondents : No appearance in both cases

COMMON ORDER

These Civil Revision Petitions have been filed seeking a direction to the learned Principal District Munsif Judge, Ambattur, to dispose the Execution Petition Nos.7 & 6 of 2023 in R.L.T.O.P.Nos.34 & 33 of 2021, respectively, filed for eviction and delivery of possession within a time frame.

2. The petitioner as landlord, filed R.L.T.O.P.Nos.33 & 34 of 2021 on the file of the District Munsif Court, Ambattur, seeking eviction against the respondents. The petitioner has 10 shops situated at Plot No.5, Church



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Street, TMP Nagar. Two shops Nos. 1 & 3 were rented to the respondent in CRP.No.1731 of 2024 and two shops Nos. 8 & 9 were rented to the respondent in CRP.No.1784 of 2024 by one Saraswathi, and the said Saraswathi executed a settlement deed in favour of petitioner's mother Ramani in 2011. Subsequently, the petitioner's mother executed a registered settlement deed in favour of the petitioner for the entire property in December 2020. The petitioner/landlord had issued notices dated 11.12.2020 and 11.01.2021 to the respondents calling upon them to enter into a new agreement under the New Tenancy Act, with regard to the revised rent of Rs.8500/- each for all the shops. The respondents, on receipt of notice, had agreed to pay Rs.7,000/- rent till March 2021. However, the rent was paid only till February 2021 and thereafter, no rent was paid. They had also not come forward to enter into the new tenancy agreement with the petitioner. Hence, there is a violation of Section 4 (2) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017. Thereafter,



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he filed an eviction petition before the rent control court. By orders dated 12.09.2022, the respondent is directed to vacate and hand over the vacant possession of the premises to the petitioner within a period of two months from the date of the order. Thereafter, the petitioner had filed E.P.Nos.6 & 7 of 2023 against the respondents.

3. The respondents have filed their written submissions denying the landlord and tenant relationship and thereafter, but undertook to pay the arrears of the rent before the E.P. Court and prayed for dismissal of the E.P.s, since it would spoil their reputation in the market which would also affect their business. Admittedly, no appeal filed by the respondents.

4. The learned counsel for the petitioner/landlord submitted that the Execution Petitions were kept pending from 12.01.2023 without any progress, the petitioner produced E-Court adjudication, which shows that for



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filing counter respondent took several adjournments and thereafter, enquiry commenced from 31.10.2023 and posted for orders from 13.02.2024 for almost 6 hearings, till date no orders pronounced and posted for next hearing on 02.07.2024 and hence, prayed this Court to pass appropriate orders in this regard.

5. Despite service of notice on the respondents and their names having been printed in the cause list, there is no representation on behalf of them.

6. Since this Court finds that the Execution Petitions are kept pending and posted for orders on 02.07.2024, by granting several adjournments, under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, the proceedings to be held as summary inquiry.



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7. Considering the submissions made and on perusal of the materials, it is seen that in this case, though the petitioner obtained a decree in his favour on 12.09.2022, he is yet to get delivered his vacant possession of the schedule property. Further, the execution petitions are of the year 2023. In view of the above, this Court directs the Execution Court (Principal District Munsif Judge, Ambattur) to conclude the proceedings in E.P.Nos. 6 & 7 of 2023 without any further delay, preferably, within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, these Civil Revision Petitions are disposed of. No costs.

25.06.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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To

The Principal District Munsif Court,
Ambattur.



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M.NIRMAL KUMAR, J.

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