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C.R.P.(NPD).No.2593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD).No.2593 of 2024
and C.M.P.No.13612 of 2024

M.K.Ramachandran

... Petitioner

vs

G.Vasanthi

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Judgment and Decree dated 08.02.2024 passed in RLTA No.193 of 2023 on the file of XVIII Additional City Civil Court at Chennai in confirming the Fair and Decreetal Order dated 13.06.2022 in RLTOP No.642 of 2022 on the file of XIV Small Causes Court at Chennai.

For Petitioner : Mrs.A.Rajeswari

For Respondent : Mr.V.G.Suresh Kumar

ORDER

This Civil Revision Petition challenges the order passed by the learned XVIII Additional Judge, City Civil Court, Chennai in RLTA No.193 of 2023, dated 08.02.2024 in confirming the fair and decreetal order of the learned XIV Judge, Court of Small Causes, Chennai in RLTOP No.642 of 2022, dated 13.06.2023.



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2. The present revision arises under the provisions of the New Tenancy Act namely Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. There is no dispute in the relationship of landlord and tenant. The respondent before me is the landlord and the revisionist is the tenant. The revisionist took possession of the property by virtue of an agreement that he had entered into with the husband of the respondent in the year 1983. Thereafter, several proceedings had taken place between the civil revision petitioner and the respondent. Since no agreement in terms of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 had been entered into between the petitioner and the respondent within the grace period of 575 days, RLTOP No.642 of 2022 came to be presented.

3. The learned Trial Judge allowed the petition under Section 21(2)(a) of the said Act on the ground that as there is no tenancy agreement between parties, eviction has to follow. This was put in challenge before the Appellate Court namely the XVIII Additional Judge, City Civil Court, Chennai, which ended in confirmation of the decree. Against which, the present revision.



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4. Heard Mrs.A.Rajeswari, learned counsel appearing for the petitioner and Mr.V.G.Suresh Kumar, learned counsel appearing for the respondent.

5. The position of law has been settled by a judgment of Hon'ble Mr.Justice R.SUBRAMANIAM in ***S.Muruganandam vs. J.Joseph, 2022 SCC Online Mad 958***. In the said judgment, the learned Judge has taken a view that in case the landlord and tenant do not enter into a tenancy agreement as contemplated under the TNRRRLT Act, 2017, then the tenant incurs the wrath of Section 21(2)(a). If there is no such agreement, the Court has no other option than to order eviction.

6. Admittedly, in the present case, there is no agreement between the two parties as envisaged under the Act. On the basis of this factual finding, the Rent Controller ordered eviction and it has been confirmed by the Appellate Authority. I do not find any illegality or irregularity in the order passed by the Courts below. Therefore, the Court had no other option than to order eviction.



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7. Accordingly, the Civil Revision Petition is dismissed. The order of the learned XVIII Additional Judge, City Civil Court, Chennai in RLTA No.193 of 2023, dated 08.02.2024 in confirming the fair and decreetal order of the learned XIV Judge, Court of Small Causes, Chennai in RLTOP No.642 of 2022, dated 13.06.2023 stands confirmed. No costs. Consequently, the connected civil miscellaneous petition is closed.

8. At this stage, the learned counsel appearing for the petitioner seeks time for handing over of possession. He has been in occupation of the property from the year 1983. Having been in possession for a long period of 41 years, I feel it will take time for him to find an alternate accommodation. Hence, time is granted till 28.02.2025 to vacate and handover possession.

9. The Civil Revision Petitioner will have to file an undertaking affidavit before this Court on or before 26.07.2024, stating as follows:-

- (i) There will not be any default in payment of rents.
- (ii) The tenant will not put any third party in possession of the property.



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(iii) The tenant will hand over vacant possession of the property on or

before 28.02.2025 to the landlord without forcing her to initiate execution proceedings.

(iv) The tenant shall continue to pay the rent till the date of handing over of possession.

(v) In case, there is a default in any one of the aforesaid clauses, the time granted for the petitioner by virtue of this order will not enure in his favour.

19.07.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

1.The XVIII Additional City Civil Court,
Chennai.

2.The XIV Small Causes Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

dm

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