



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P. (PD) .No. 2764 of 2024

&

C.M.P.No.14664 of 2024

C.Deivasigamani

...Petitioner

Vs.

P.Raja

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India to strike off R.L.T.O.P.No.89 of 2021 on the file of the Rent Controller – cum – District Munsif, Coimbatore.

For Petitioner : Mr. C.Deivasigamani
(Party – in – Person)

For Respondent : No Appearance.



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ORDER

This Civil Revision Petition has been filed to strike off R.L.T.O.P.No.89 of 2021 on the file of the Rent Controller – cum – District Munsif, Coimbatore.

2. Heard the party in person. The respondent though served has not entered appearance.

3. The case of the Civil Revision Petitioner is that there is no relationship of landlord and tenant between the petitioner and the respondent. He urges that the allegation that he is a tenant in the property on and from 04.01.2017 is a false statement. Mr.Deivasigamani would refer me to an agreement of sale entered into between himself and the predecessors in title of the respondent on 14.07.2016. Mr.Deivasigamani urges that he is in possession of the property pursuant to the unregistered agreement of sale and seeks



support of clause 3 of the said agreement. Hence, he pleads that as there is no relationship of landlord and tenant and consequently, the RLTOP requires to be struck off.

4. Mr.Deivasigamani draws my attention to two suits filed in O.S.No.297 of 2022 on the file of the District Court, Coimbatore as well as O.S.No.270 of 2023 on the file of the District Court, Coimbatore, to plead that civil suits are pending and therefore the learned Rent Controller cannot entertain RLTOP, which is pending on his file.

5. Mr.Deivasigamani refers my attention to the Judgement in ***S.Muruganandam Vs. J.Joseph - 2022 (2) CTC 291***, in particular reference to paragraph No.23 (d) and argues that the only remedy for the respondent is to file a civil suit and not the Rent Control Petition.

6. I have carefully considered the submissions of Mr.Deivasigamani.



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7. A perusal of RLTOP shows that it is the specific plea of the respondent / landlord that the petitioner is a tenant under him with respect to a portion in the first floor. He pleads that tenancy is oral and that the tenancy continued under the respondent / landlord from 04.01.2017 onwards. He further pleads that the monthly rent that has to be paid is Rs.16,000/- per month and there is a default in payment of rents constraining the landlord to issue notice on 23.07.2021.

8. The initial jurisdiction of the learned Rent Controller is based on the pleadings placed by the parties. The specific plea of the landlord is that the civil revision petitioner is a tenant and he is a landlord. *Whether the jural relationship exists or not* would have to be gone into only at the time of Trial. In the facts of the present case, I find specific pleas in paragraphs No.IV and V of RLTOP that relationship exists and there is a default in payment of rents. These pleadings seem to attract Section 21 (2) (b) of the Tamil Nadu Regulations of Rights and Responsibilities of Land Lord and Tenants



Act, 2017.

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9. Furthermore, the presentation of civil suit does not bar the Rent Controller to deal with the case pending before him. The Rent Controller is not concerned with the question of title. The Rent Controller is concerned only with the relationship of landlord and tenant. Once necessary pleadings are available the parties would have to be pushed to Trial. It is not the case of striking off the plaint.

10. With respect to the Judgement in *S.Muruganandam Vs. J.Joseph - 2022 (2) CTC 291*, reference to sixth category of cases as found in paragraph No.23 (d), is referable to categories of cases that was culled out by the learned Judge in paragraph No.13. In paragraph No.13, the learned Judge refers to the oral tenancy created after the New Act. With respect to oral tenancy created prior to the Act, the learned Judge has held that it is open to the landlord to invoke all the provisions under Section 21 (2) except Section 21 (2) (a). This makes it clear that petition filed under Section 21 (2) (b) is very much



maintainable. It is left open to the petitioner to raise all these objections before the learned Rent Controller.

11. In the result, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

18.09.2024

Index : Yes/No
Internet : Yes/No
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To

The Rent Controller – cum – District Munsif,
Coimbatore.



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V.LAKSHMINARAYANAN, J.

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