



C.R.P.No.2951 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2951 of 2021
and
C.M.P.No.21136 of 2021

Saravana Pandian

..Petitioner

Vs.

Sankaran @ Sankaranlingam

..Respondent

Prayer: Civil Revision Petition filed under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act, praying to set aside the fair and final order dated 03.08.2021 made in I.A.No.1 of 2019 in RCA.No. / 2019 on the file of the Sub-Court, Nagapattinam preferred against the fair and final order dated 06.01.2017 made in RCOP.No.9 of 2015 on the file of the Rent Controller [District Munsif] Nagapattinam and dismiss the said IA by allowing the above Revision.

For Petitioner : Mr.B.Jawahar

For Respondent : Ms.G.Deepika for Mr.S.Giritharan



C.R.P.No.2951 of 2021

ORDER

WEB COPY

Challenge in this Revision is to the order of the learned Appellate Authority constituted under the Tamil Nadu Buildings (Lease & Rent) Control Act, 1960 condoning the delay of 948 days in filing an appeal against the dismissal of the eviction proceedings in RCOP.No.9 of 2015.

2. The respondent who is the landlord sought for eviction of the tenant on the ground that the tenant has committed wilful default in payment of rent and on the ground that he require the premises for his own use and occupation. Upon contest the said petition came to be dismissed on 06/01/ 2017. No further proceedings were taken. However, after a lapse of almost 2 and a half years, the landlord filed an application in I.A.No.1 of 2019 seeking condonation of delay of 948 days in filing the appeal.

3. The landlord sought to explain the delay by stating that even though the RCOP was dismissed on 06.01.2017, the suit filed by the tenant seeking a permanent injunction restraining the landlord from evicting him except under due process of law in O.S.No.83 of 2012 came to be dismissed on 06.04.2017. Despite such dismissal the defendant did



not vacate the premises. Therefore the landlord had approached the Land Grabbing Cell functioning from the office of the Superintendent of Police, Nagapattinam seeking to evict the tenant. According to the landlord, the police personnel attached to the Land Grabbing Cell summoned the tenant and attempted a mediation. Though the tenant initially agreed to vacate, thereafter went back on his words and refused to vacate. It is also pleaded that the landlord was unwell and hence the delay was caused. The Appellate Authority had allowed the application for condonation of delay on payment of costs. Hence, this Revision.

4. I have heard Mr.B.Jawahar, learned counsel appearing for the petitioner and Ms.G.Deepika, learned counsel for Mr.S.Giritharan, learned counsel appearing for the respondent.

5. I have no doubt in my mind that the order of the Appellate Authority is liable to be set aside. Here is a person who had approached the police for eviction after having failed before the Rent Controller and the fact that the police had attempted a compromise itself has been made a ground for condonation of delay. I do not think that the Courts should lend a helping hand to a person who approaches the police, seeking an



extra legal remedy of eviction should be favoured with an order for condonation of delay, particularly when he makes that as a reason for the delay. Approaching the police for evicting the tenant itself is illegal. The Court cannot recognize the illegality and condone the delay caused because of the illegality done by the landlord.

6. Hence, the order under revision is liable to be set aside and it is accordingly set aside. The petition in I.A.No.1 of 2019 in un-filed RCA will stand dismissed. It is stated that the RCA has now been numbered. The RCA will have to be de-numbered and rejected.

7. Accordingly, this Civil Revision Petition is **allowed**. The order of the learned Appellate Authority is set aside. IA.No.1 of 2019 will stand dismissed. Consequently, the RCA which is now been numbered consequent upon condonation of delay by the learned Appellate Authority will stand rejected. No costs. Consequently, the connected miscellaneous petition is closed.

19.01.2024

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order



C.R.P.No.2951 of 2021

To

1.The Sub-Judge, Nagapattinam.

2.The District Munsif, Nagapattinam.



WEB COPY



C.R.P.No.2951 of 2021

R.SUBRAMANIAN,J.

dsa

C.R.P.No.2951 of 2021

19.01.2024