



C.R.P.(PD).No. 3461 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No. 3461 of 2024

&

C.M.P. No. 18770 of 2024

Veena Ramesh

...Petitioner

Vs.

A.K.Gnanasekaran

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed by the learned District Munsif, Tambaram in R.L.T.O.P.No.24 of 2021 dated 22.03.2024.

For Petitioner : Mr. R.Ganesh Kumar



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C.R.P.(PD).No. 3461 of 2024

ORDER

This Civil Revision Petition arises against the order passed by the learned District Munsif, Tambaram, in M.P.No.2 of 2023 in R.L.T.O.P.No.24 of 2021 dated 22.03.2024.

2. The Civil Revision Petitioner is a tenant and the respondent is the landlord. The respondent initiated RLTOP.No.24 of 2021 under the provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, under Sections 21 (2) (b) and 21 (2) (g) of the Act.

3. The allegation of the landlord is that on 17.04.2011, the parties entered into a lease agreement and the civil revision petitioner was put in possession of the property as a tenant. The respondent landlord would allege that after deducting the entire rental advance of Rs.15,00,000/-, there is arrears of Rs.19,74,411/-.



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C.R.P.(PD).No. 3461 of 2024

4. A counter was filed by the civil revision petitioner / tenant. In the said counter in paragraph no.2, the tenant specifically admitted to the relationship as identified in the application. Thereafter, she proceeds to deny the title of the landlord stating that the property belongs to the Highways Department, which she came to know when notice was issued in December 2015. She would plead that the rental amounts were being kept in a separate account in the name of the tenant itself. The tenant had taken out an application in M.P.No.2 of 2023, seeking for permission to grant leave for cross examination of the landlord. The said petition came to be dismissed by the learned District Munsif, Tambaram, on 22.03.2024. Hence, this revision.

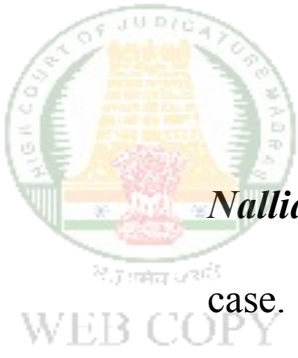
5. Heard Mr. R.Ganesh Kumar for the civil revision petitioner / tenant.

6. A perusal of the counter in the RLTOP would show that the



tenant has admitted to the tenancy at the inception. However, the subsequent portion of the counter would show that she had denied the title of the landlord. Section 2 (f) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, defines a premises as *“any building or part of a building which is, or is intended to be, let separately for the purpose of residence or for commercial purpose”*. The definition is an inclusive definition and it only excludes hotel, lodging house, dharamshala or inn, or the like. There is no dispute that the landlord had put up the demised premises and the tenant was inducted into the same, in the year 2011. When tenancy is admitted, the subsequent denial does not help the tenant on account of the estoppel that operates under Section 116 of the Indian Evidence Act.

7. The Rent Controller is not concerned with the title but only with the jural relationship between the landlord and tenant. There being no dispute in the relationship, the Judgement delivered by Mr.Justice N.Seshasayee in the case of ***J.Thennarasu Vs. Anita***



C.R.P.(PD).No. 3461 of 2024

Nalliah - C.R.P.(PD) No.2532 of 2021, directly applies to the present case.

8. The order under Section 36 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, is a discretionary order capable of being revised only if it suffers from non - application of mind or a similar vice. A perusal of the order shows that the order does not suffer from any such vices.

9. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

30.08.2024

Index : Yes/No
Internet : Yes/No
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C.R.P.(PD).No. 3461 of 2027

To

The District Munsif,
Tambaram.



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C.R.P.(PD).No. 3461 of 2024

V.LAKSHMINARAYANAN, J.

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C.R.P.(PD).No. 3461 of 2024

30.08.2024