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W.P.No.24469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.24469 of 2024

G.Balakrishnan

... Petitioner

Vs.

Sub Collector cum Rent Authority
Central Chennai Tamil Nadu.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 19.01.2024 in application No. TN-242024011213416 passed by the respondent herein, quash the same and consequently direct the respondent to reconsider the application No. TN-242024011213416 and give opportunity / hearing to the petitioner and to register the lease agreement dated 29.09.2023 in accordance with Section 4 (3) of the Tamil Nadu Regulation of Rights and Responsibilities of Land Lord and Tenants Act, 2017.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.M.R.Gokul Krishnan
Additional Government Pleader



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ORDER

Challenging the order dated 19.01.2024 passed by the respondent herein, the petitioner has filed the above Writ Petition to quash the said order and consequently direct the respondent to register the lease agreement dated 29.09.2023 in accordance with Section 4 (3) of the Tamil Nadu Regulation of Rights and Responsibilities of Land Lord and Tenants Act, 2017.

2. It is the case of the petitioner that he, his wife and his son are the joint and absolute owners of the premises measuring an extent of 2 grounds and 1732 sq.ft. bearing Door no.1, Prof. Subramanian Street, Kilpauk, Chennai together with hospital building measuring an extent of 14,610 sq.ft. The petitioner had let out the premises with the hospital building on lease to one M/s. Dojateal Healthcare Private Limited, in compliance with section 4 (3) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (herein after called TNRRRLT Act). The petitioner and other owners entered into lease agreement with the said M/s.Dojateal healthcare Private Limited on



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29.09.2023 and the monthly rent was fixed at Rs.12,00,000/-. The lease is for a period of 5 years commencing from 01.09.2023 and the same was also registered with the Sub Registrar, Periamet as Doc.No.2772 of 2023. Under Section 4 (3) of the TNRRRLT Act, to register the lease agreement before the Rent Control Authority namely respondent herein, the petitioner had approached the respondent for filing an online application on 12.01.2024 to comply with the provision under section 4 (3) of the TNRRRLT Act. However, on 19.01.2024, the respondent without following the procedure laid down in the Act rejected the application. The refusal of the respondent is on the ground that it has not been submitted within 90 days of the taking over of possession. Therefore, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner would rely upon the judgment of this Court in C.R.P.Nos.587 & 1937 of 2022 wherein the learned Judge of this Court observed as follows as para No.57:-

"57. Hence in case of delay in registering the tenancy agreements entered between the parties in compliance of Section 4 (1) and (2), that can be done by filing an Application under Section 4 (3) along with the petition to condone the delay in filing the application under Section 4 (3). "



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Relying on the judgement in support of the contention that delay cannot be a ground for rejecting the application, the learned counsel prayed for allowing the writ petition.

4. Mr. M.R. Gokul Krishnan, learned Additional Government Pleader would reiterate the contention put fourth by the respondent for rejecting the application.

5. In this case, this Court is required to examine as to whether the order rejecting the request of the petitioner for registration by the respondent is correct and if not whether the same requires to be set aside.

6. In the judgement which has been relied on by the learned counsel for the petitioner, the learned Judge of this Court has observed as follows in paragraph Nos. 57 and 58.

"57. Hence in case of delay in registering the tenancy agreements entered between the parties in compliance of Section 4 (1) and (2), that can be done by filing an Application under Section 4 (3) along with the petitioner to condone the delay in filing a the application under Section 4 (3).



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58. *In C.R.P.No.1937 of 2022, the revision petitioner is the landlord. He has stated that his tenancy agreement with the tenant was a written and registered tenancy agreement dated 25.05.1968 for 55 years. In the understanding of the said petitioner, the "registration " contemplated is the registration under the Registration Act. The petitioner for eviction filed by the landlord was rejected at the threshold itself on the observation that the tenancy agreement was not registered with the Rent Authority as required under Section 4 (3) of the Act."*

7. Further, the learned judge has gone on to hold that if an application is filed for registration after the time limit, the applicant could still file an application under Section 4 (3) along with a petition to condone the delay in filing the application under Section 4 (3). The observation contained therein would apply on all fours to the facts of the present case.

8. Therefore, in the light of the above, the impugned order is set aside. It is stated that there is delay of 18 days and above in filing the application seeking registration. Therefore, this Court exercising the powers under Article 226 of The Constitution of India is condoning the delay in presenting the lease agreement for Registration and directs the



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Rent Authority to register the same.

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9. Accordingly, the Writ Petition is allowed. The impugned order dated 19.01.2024 is quashed. The respondent is directed to register the document, namely, the lease agreement 29.09.2023 within two weeks of its representation. No costs.

18.12.2024

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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