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C.R.P.(PD).Nos.3620, 3621, 3630, 3631, 3617 and 3622 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(PD).Nos.3620, 3621, 3630, 3631, 3617 and 3622 of 2024
and C.M.P.Nos.19667, 19669, 19731, 19732, 19646 and 19672 of 2024**

Chandra .. Petitioner
(in C.R.P.Nos.3620 and 3621 of 2024)

Inderlal .. Petitioner
(in C.R.P.Nos.3630 and 3622 of 2024)

S.J.Jayaseelan .. Petitioner
(in C.R.P.Nos.3631 and 3617 of 2024)

Versus

1. Sonu S. Nankani
2. Deepak S. Nankani
3. Hitesh S. Nankani .. Respondents
(in all C.R.Ps)

Prayer in C.R.P.(PD).No.3620 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in M.P.No.2 of 2022 in R.L.T.O.P.No.172 of 2022 on the file of the XII Court of Small Causes, Chennai, dated 21.12.2023.

Prayer in C.R.P.(PD).No.3621 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final



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order passed in M.P.No.1 of 2022 in R.L.T.O.P.No.172 of 2022 on the file of the XII Court of Small Causes, Chennai, dated 21.12.2023.

Prayer in C.R.P.(PD).No.3630 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in M.P.No.1 of 2022 in R.L.T.O.P.No.170 of 2022 on the file of the XII Court of Small Causes, Chennai, dated 21.12.2023.

Prayer in C.R.P.(PD).No.3631 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in M.P.No.2 of 2022 in R.L.T.O.P.No.171 of 2022 on the file of the XII Court of Small Causes, Chennai, dated 21.12.2023.

Prayer in C.R.P.(PD).No.3617 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in M.P.No.1 of 2022 in R.L.T.O.P.No.171 of 2022 on the file of the XII Court of Small Causes, Chennai, dated 21.12.2023.

Prayer in C.R.P.(PD).No.3622 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in M.P.No.2 of 2022 in R.L.T.O.P.No.170 of 2022 on the file of the XII Court of Small Causes, Chennai, dated 21.12.2023.

For Petitioner : Mr.B.Singaravelu
(in all C.R.Ps)

For Respondents : Mr.R.Venkatraman,



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(in all C.R.Ps) for M/s.Tatva Legal, Chennai

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COMMON ORDER

These six Civil Revision Petitions are filed by the tenants. They filed petitions before the learned Rent Controller to reopen the evidence of P.W.1 and to recall P.W.1 for the purpose of cross-examination. The petitions were dismissed by the learned Rent Controller. Hence, these petitions.

2. The relationship between the landlords and tenants is not in dispute. The landlords had initiated proceedings under Section 21(2)(a) read with 21(2)(e) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. During the course of enquiry, the petition was "not pressed" against the tenants under the head of Section 21(2)(e) of the said Act. The petition today is being proceeded with only under Section 21(2)(a) of the said Act. The head of Section 21(2)(a) is extremely simple one. All that the Court requires to see is whether the landlord and tenant have entered into an agreement as required under Section 4 of the said Act. In case there is no such agreement, the tenant would have to suffer wrath of the said section and face an order of eviction.



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3. When a petition is filed under Section 21(2)(a) of the said Act, this Court, in ***J.Thennarasu Vs. Anita Nalliah*** in ***C.R.P.(PD).No.2532 of 2021*** and ***C.R.P.(NPD).Nos.2372 and 2373 of 2021***, dated 05.08.2022, held that a tenant does not have a right of cross-examination. In case, the tenant disputes the relationship of landlord and tenant, then, Court can consider his request for cross-examination. That not being the situation in the present case, I have no other option than to confirm the view taken by the learned Rent Controller. To make it abundantly clear, since the only head, on which the Rent Control proceedings are being conducted by the landlords is Section 21(2)(a) of the said Act, the tenants are not entitled to the relief sought for in the Civil Revision Petitions.

4. In the light of the view taken by this Court in ***J.Thennarasu***'s case (cited *supra*), I do not find any reason to interfere with the orders passed by the learned Rent Controller. The Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

5. At this stage, Mr.B.Singaravelu, learned Counsel for the civil revision petitioners states that on 23.08.2024, he brought to the notice of the



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learned Rent Controller itself that he has preferred Civil Revision Petitions before this Court and yet he was set *ex parte*. He would point out that the order copy itself was issued only on 08.08.2024 and he had immediately preferred these petitions. While he does not have a right of cross-examination, the tenant certainly is entitled to put in his defence and file such documents that are necessary in order to substantiate the same. Therefore, the *ex parte* orders that was passed by the Court on 23.08.2024 in all the R.L.T.O.Ps are set aside. The Court shall give an opportunity to the civil revision petitioners to produce such evidence as they deem fit on or before 18.09.2024. In case the tenants do not produce themselves before the learned Rent Controller on that date, they will forfeit the right of enquiry before the said authority. In case evidence is given by the tenants, the learned Judge is requested to complete the proceedings on or before 04.10.2024. Both sides would agree that they will argue before the Court on 20.09.2024.

09.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



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The XII Court of Small Causes,
Chennai.



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V.LAKSHMINARAYANAN, J.

grs

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and C.M.P.Nos.19667, 19669, 19731, 19732,
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