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C.R.P.No.3985 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.3985 of 2024

K.Shaik Fareed

..Petitioner

Vs.

1.Zeenath Nisha

2.Musthafa Kamal

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the rejection order dated 21.08.2024 passed by the learned X Judge Court of Small Causes, Chennai, in RLTOP.(Sr.) No.5351 of 2024, by allowing the above CRP and direct the Rent Court to number the above RLTOP (Sr.)No.5351 of 2024 and take up the same on file.

For Petitioner

: Mr.K.P.Ashok



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ORDER

This Civil Revision Petition arises against the order passed by the learned X Court of Small Causes, Chennai in RLTOP.Sr.No.5351 of 2024 dated 21.08.2024.

2. The civil revision petitioner is the landlord. Invoking Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (for brevity referred to as 'TNRRLT Act') the landlord presented an eviction petition. Even at the stage of numbering, the learned Judge following the view of this Court in ***S.Muruganandam Vs. Joseph*** reported in **2022 SCC OnLine 375** rejected the petition.

3. This is despite the fact that the attention of the learned Judge had been drawn to the subsequent view that had been taken by this Court in ***Andal Vs. Lawrence Swami Doss and others*** reported in **2024(2) CTC 423**. A learned Judge of this Court, Mr.Justice V.Sivagnanam, had taken a view that even if there is a oral agreement, unless and until there



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is a valid agreement in terms of Section 4 of the TNRRRLT Act, the petition under Section 21(2)(a) is maintainable at the time of disposal of the said revision. The learned Judge had referred to the judgment in ***S.Muruganandam Vs. Joseph*** reported in **2022 SCC OnLine 375** case and thereafter came to a conclusion that the petition is maintainable.

4. When this Court has taken a view subsequent to the order that had been passed by this Court in ***S.Muruganandam Vs. Joseph*** reported in **2022 SCC OnLine 375**, the learned trial Judge ought to have followed the latter view and not rejected the petition following the former view.

5. In the light of the above discussion, this Civil Revision Petition is **allowed**. The learned Judge shall number the RLTOP.Sr.No.5351 of 2024 and issue summons to the respondents. No costs.

01.10.2024

dsa
Index : Yes/No
Internet : Yes/No



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Neutral Citation : Yes/No
Speaking order / Non-Speaking order

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To

The X Judge,
Court of Small Causes,
Chennai,



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V.LAKSHMINARAYANAN,J.

dsa

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