



Rev.Appl.Nos.204, 205 and 206 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Rev.Appl.Nos.204, 205 and 206 of 2023

and

CMP.Nos.25600, 25614 and 25615 of 2023

1.Soundarambal

2.Rajesekar

3.Rajavelu Mudaliar

4.R.Nagavalli

5.R.Selvakumar

6.R.Selvakumari

.. Review Petitioners in
all Review Applications

Vs.

1.M.Dakshinamoorthy (Deceased)

2.Vedammal

3.Panjabakesan

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4.Palanivel

5.Jothi

6.D.Vijayalakshmi (Deceased)

7.D.Thiyagarajan

8.D.Natarajan

.. Respondents in
all Review Applications

PRAYER in Rev.Appl.No.204 of 2023 : This Review Petition is filed under Section 114, Order 47, Rule 1 of Code of Civil Procedure, to review the judgment dated 28.08.2023 made in C.R.P.(NPD) No.1380 of 2009 on the file of this Court.

PRAYER in Rev.Appl.No.205 of 2023 : This Review Petition is filed under Section 114, Order 47, Rule 1 of Code of Civil Procedure, to review the judgment dated 28.08.2023 made in C.R.P.(NPD) No.1379 of 2009 on the file of this Court.

PRAYER in Rev.Appl.No.206 of 2023 : This Review Petition is filed under Section 114, Order 47, Rule 1 of Code of Civil Procedure, to review the judgment dated 28.08.2023 made in C.R.P.(NPD) No.1378 of 2009 on the file of this Court.

For Review Petitioners
(in all Review Applications)

: Mr.T.Thiageswaran



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COMMON ORDER

These three reviews arise out of the common order that was passed by this Court in CRP(NPD)Nos.1378 to 1380 of 2009, dated 28.08.2023.

2. Mr.T.Thiageswaran, learned counsel representing the review petitioners urged two points. One is that, prior to the lease agreement, they were in possession and this has been recognized under Ex.B2 patta granted under the Puducherry Settlement Act, 1970 read with the provisions of Puducherry Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1973. The second point he would urge is that the Rent Controller does not have jurisdiction because the Puducherry Rent Control Act came into force in the year 1969. Whereas, the review petitioners are in occupation of the property even prior to the same. Therefore, retrospective operation cannot be given to the Act.

3. Both these points have not been urged before the Trial Court or Lower Appellate Court or before me at the time of arguments. Review is

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not an appeal in disguise and therefore, I am not in a position to permit the review petitioners to raise a new point at the time of review.

4. At the outset, I have found that the petitioners' father had taken possession of the property a lease deed under Ex.A3, dated 27.04.1942. I have found in Paragraph No.15 of the order under review that the review petitioners had taken possession of the property under the registered lease deed, dated 27.04.1942 and the lease deed had been filed as Ex.A3.

5. A person who comes into occupation of the property as a tenant cannot turn around and plead that he becomes the owner thereof, by virtue of the revenue documents that has been issued subsequently. Further, the Rent Control Act deals with all tenancies which had been created before or after the Act comes into force. Hence, the second ground on the Act being only prospective in operation does not apply.



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6. Since both the points fail, all the Review Petitions stand dismissed. Consequently, connected Civil Miscellaneous Petitions are closed. No costs.

07.02.2024

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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To

- 1.The Rent Controller at Karaikal.
- 2.The Additional District Court,
Pondicherry at Karaikal.



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V.LAKSHMINARAYANAN,J.

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