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C.R.P (PD) No.4855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P (PD) No.4855 of 2024

&

CMP No.27150 of 2024

1. M/s.Jayanthi Cinema Talkies
Rep. By Mrs.Jayanthi
No.64/68, Seven Wells Street
Nandambakkam, Chennai – 600 016
 2. Ms.Lalitha Ramanujam
W/o.Late Mr.Ramanujam
 3. Mrs.Jayanthi
D/o.Late Mr.Ramanujam
- ... Petitioners

Vs

1. Mrs.Dhanalakshmi Ammal @ Kutti Ammal
W/o.Mr.Ramachandran
 2. Mr.Devarajan
S/o.Late Damodara Pillai
 3. The District Collector
Kancheepuram District
Kancheepuram Tamil Nadu
- ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Additional District Munsif, Alandur to take up I.A.No.7 of 2024 in O.S.No.170 of 2005 pending on the file of



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Additional District Munsif, Alandur as well as pass appropriate orders.

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For Petitioners : Mr.Ramesh
for Mr.R.Ashwanth

For Respondents : Mr.V.Srikanth for R1

Mr.C.P.Hemkumar
for M/s.Ganesh & Ganesh for R2

Mr.Murali
Government Advocate for R3

ORDER

This civil revision petition seeks for expeditious disposal of I.A.No.7 of 2024 in O.S.No.170 of 2005 pending on the file of Additional District Munsif at Alandur.

2. O.S.No.170 of 2005 is a suit for ejectment. The plaintiff claimed that suit schedule mentioned property had been given on lease to one Ramanujam. Ramanujam had put up a theater therein. The relationship between the plaintiff and said Ramanujam is one of lessor and lessee. On the death of Ramanujam, Defendant Nos.2 and



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3 succeeded to his estate. Claiming that they are not entitled to continue in possession of the property, the suit had been presented for ejectment.

3. In the said suit, the defendants claimed that they are entitled to the protection of the Tamil Nadu City Tenants Protection Act, 1921. They presented an application under Section 9 of the said Act. This application was received as I.A.No.1464 of 2009. It was contested. The learned District Munsif at Alandur dismissed the petition on 08.02.2024. Aggrieved by the same, an appeal has been preferred before the Subordinate Judge at Alandur. The same is pending as C.M.A.No.3 of 2024.

4. The grievance of the civil revision petitioners is, though the possession has not been taken in accordance with law in the ejectment suit, the plaintiffs are attempting to forcibly dispossess them from the suit property. Hence, they filed an application in I.A.No.7 of 2024 seeking the relief of ad-interim injunction



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restraining the plaintiffs from interfering with their peaceful possession and enjoyment. On account of the fact that this application suffered repeated adjournments, the present Civil Revision Petition has come before this Court.

5. When the matter was taken up for admission, Mr.V.Ramesh, representing Mr.Ashwanth for the petitioners stated that attempts are being made by the plaintiffs/respondents herein to dispossess defendants 1 to 3 from the property. Pointing out to the placing of metallic shutter all around the property, he stated that by mere dismissal of application under Section 9 of Tamil Nadu City Tenants Protection Act, the plaintiffs are not entitled to take possession. Hence, I ordered notice to the respondents /plaintiffs.

6. Mr.V.Srikanth has entered appearance for first respondent and Mr.C.P.Hemkumar of M/s.Ganesh and Ganesh (Law Firm) entered appearance for second respondent.



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7. I heard the counsels on either side.

8. It is not in dispute that the civil revision petitioners are the legal heirs of the deceased original lessee. The suit itself has been filed for ejectment. This implies that the civil revision petitioners are entitled to be in possession of the property, till they are dispossessed through process of Court. The position of law has been settled in this Country for more than a century that a person cannot take law into his own hands and dispossess another. *See The Midnapore Zamindary Company Ltd. vs Kumar Naresh Narayan Roy (1924) XX Law Weekly 770 at 775.* That being the position of law, the civil revision petitioners are obviously entitled to be protected, pending disposal of the suit.

9. By stating that defendants 1 to 3 are entitled to possession, till dispossessed by due process of law, would not put an end to the agony of either parties. Mr.Srikanth points out that the property had been abandoned by defendants 1 to 3 leaving it open for unlawful



and unruly elements to enter into the same and start utilizing for illegal purposes. This submission of Mr.Srikanth is stoutly resisted by Mr.Ramesh, who states that the property is well guarded by the Manager and Watchman appointed by defendants 1 to 3.

10. Mr.Srikanth further adds that from the year 2000 onwards, no rent has been paid by defendants 1 to 3. This submission too is disputed by Mr.Ramesh. Mr.C.P.Hemkumar would argue that no rent has been paid from the year 1977 onwards.

11. Keeping the litigation pending for more than 20 years is neither going to help the plaintiffs nor the defendants. Both sides state that C.M.A.No. 3 of 2024 is listed for hearing on 13.02.2025 before the learned Subordinate Judge at Alandur.

12. The learned Subordinate Judge at Alandur is requested to send a reminder to the Additional District Munsif at Alandur and secure the records in I.A.No.1462 of 2009 forthwith. On receipt of



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the records, the appeal shall be advanced to 20.01.2025. After hearing the arguments of both sides, learned Subordinate Judge, Alandur is requested to dispose of the appeal itself, within 30 days from 20.01.2025.

13. Furthermore, the learned Additional District Munsif at Alandur shall wait for the disposal of C.M.A.No.3 of 2024. Depending upon the result of the said appeal, she shall expedite the suit and ensure that the judgment is passed in the suit on or before 31.03.2025. I am giving this direction on account of the fact that the suit has been pending for the past 20 years and since the first respondent herein is aged about 84 years.

14. In the light of the above discussion, I.A.No.7 of 2024 stands allowed. The learned trial Judge shall record this order and pass appropriate orders in the said application. The learned subordinate Judge and learned Additional District Munsif, Alandur are requested not to grant any unnecessary adjournments, at the



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instance of, either of parties. The time limit fixed in this judgment shall be strictly adhered to.

15. The Civil Revision Petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

13.12.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Subordinate Judge
Alandur
2. The Additional District Munsif
Alandur
3. The Section Officer
VR Section
Madras High Court



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V. LAKSHMINARAYANAN, J.

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