



C.R.P. (PD) .No. 4259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2024

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THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 4259 of 2024

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C.M.P.No. 23676 of 2024

Ashok Nandavanam Properties Private Limited,
Represented by its Authorized Signatory,
K.Ranganthan,
having office at No.11 F- Block,
2nd Main Road, Anna Nagar East,
Chennai – 600 102

...Petitioner

Vs.

Rahul Nandagopal Natarajan

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 26.09.2024 passed in M.P.Sr.No.37420 of 2024 in R.L.T.O.P.No.293 of 2022 on the file of



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the XI Small Causes Court, Chennai.

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For Petitioner : Mrs. R.Balambigai Gowri

For Respondent : Mrs. Nalini Chidambaram
Senior Counsel
For Mrs. C.Uma.

ORDER

This Civil Revision Petition arises against the order passed by the XI Small Causes Court, Chennai, in M.P.Sr.No.37420 of 2024 in R.L.T.O.P.No.293 of 2022, dated 26.09.2024.

2. RLTOP was originally presented for eviction on the grounds of Section 21 (2) (a) and 21 (2) (g) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. Subsequently, the Tamil Nadu legislature had deleted Section 21 (2) (g) from the Act. Therefore, as on today, the petition continues only with reference to Section 21 (2) (a) of the Act.



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3. Section 21 (2) (a) deals with a situation where the landlord and tenant have not entered into an agreement as required under Section 4 (2) of the said Legislation. In the RLTOP proceeding, the tenant filed M.P.Sr.No.37420 of 2024, seeking to recall and reopen the evidence of P.W.1 in R.L.T.O.P.No.293 of 2022. The Trial Court rejected the petitions on the ground, as the tenancy had been admitted in the counter and since the grant of eviction is under Section 21 (2) (a), the petitions does not deserve any consideration. Hence, this revision.

4.Heard Mrs.R.Balambigai Gowri for the civil revision petitioner and Mrs.Nalini Chidambaram, senior counsel appearing on behalf of Mrs. C.Uma for the respondent / caveator.

5. Mrs.R.Balambigai Gowri invited my attention to the



averments made in paragraph No.3 (j) of the RLTOP and argued that since there are allegations arising out of alleged arrears payable by the tenant to the landlord, it requires oral evidence especially the cross examination of P.W.1.

6. I have carefully considered the arguments of Mrs.R.Balambigai Gowri and perused the records.

7. When a petition is filed under Section 21 (2) (a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, all that the Court does at the time of disposal is to see whether an agreement exists in terms of Section 4 (2) of the said Act. In case an agreement exist, then RLTOP is not maintainable. If no agreement exist, the Court has left with no other option than to order eviction. The very same provision and issue was the subject matter of decision before Mr. Justice N.Seshasayee, in ***J.Thennarasu Vs. Anita Nalliah - C.R.P.(PD).No.2532 of 2021***, dated ***05.08.2022***.



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8. The learned Judge in paragraph No.9 of the order held that when a tenant denies tenancy or if the tenant sets up a tenancy, which is denied by the landlord, then the Court would have to grant leave for cross examination. The learned Judge further held that in case it does not fall within these two categories, then the question of the Court granting right of cross examination does not arise.

9. Furthermore, in paragraph No.11 of the said Judgement, the learned Judge held that in case the rationale given by the Rent Court for the purpose of refusal of cross examination is correct, then it does not warrant interference under Article 227 of the Constitution of India. The verdict given in the said case is respectfully applied to the present case.

10. The relationship between the landlord and the tenant is admitted and the petition is filed under Section 21 (2) (a) of the Act.



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That being the situation, no error can be seen in the order passed by the learned XI Small Causes Judge, Chennai.

11. At this stage, Mrs.R.Balambigai Gowri submits that the learned Trial Judge had closed the arguments without giving the tenant an opportunity to make his submission on merits. The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, requires that principles of natural Justice be followed prior to disposal of the petition. The learned counsel adds that the matter is listed for Judgement on 23.10.2024.

12. Taking into consideration the request of Mrs.Balambigai Gowri that she wants to address arguments in the RLTOP, the learned Trial Judge is requested to give an opportunity to the civil revision



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petitioner / tenant to make their submissions on 23.10.2024.

Thereafter, the learned Trial Judge shall pass orders within the time fixed by this Court.

13. With the above observations, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

21.10.2024

Index : Yes/No
Internet : Yes/No
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To

The XI Small Causes Court,
Chennai.

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Note: Issue order copy on 21.10.2024.

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V.LAKSHMINARAYANAN, J.

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