



WEB COPY



CRP. No. 4302 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

CRP. No. 4302 of 2024 &
CMP.No.23917 of 2024

S.Sambath

... Petitioner

V.

1.Dr.Sabu Ganesan

2.Dr.Suganthi Sabu

... Respondent s

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for records relating to the impugned fair order and decreetal order dated 06.09.2024 in M.P.No.1 of 2024 in RLTOP.No.143 of 2024 on the file of the learned XIV Small Causes Court, Chennai.

For Petitioner :Mr.K.S.Ilangovan

ORDER

This civil revision petition is at the instance of the tenant. She moved an application for rejection of plaint in RLTOP.No.143 of 2024 on the file of the XIV Court of small Causes, Chennai.

2. There is no dispute in the relationship between the parties. The



petitioner is the tenant and the respondents are the landlord. RLTOP.No.143 of 2024 has been filed invoking Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

3. On being served with summons, the tenant took out an application under Section 36(1) of the said legislation to reject RLTOP.No.143 of 2024. The XIV Court of Small Causes, Chennai dismissed the petition. Hence, this revision.

4. I have heard Mr.K.S.Ilangovan for the civil revision petitioner.

5. Mr.K.S.Ilangovan submits that Mr.Gunalan, who claims to be the power agent of the landlord, has not produced any power of attorney and therefore, the RLTOP is not maintainable. He further argues that the so-called power agent has been constantly harassing the tenant by way of letters and has disrupted the basic amenities for the flat in which he is residing.

6. The sheet anchor of this argument is that the landlord did not issue a notice calling upon the tenant to enter into an agreement with him and therefore, the petition under Section 21(2)(a) is not maintainable. Hence, the order requires to be revised.

7. I have carefully considered the argument of Mr.K.S.Ilangovan.

8. The proceeding under RLTOP Act is a summary proceeding. There is



CRP. No. 4302 of 2024

no provision under the Act akin to Order VII Rule 11 of the Code of Civil Procedure. This Court in *Shanmugam Balakumar v. P. Elizabeth, 2020 SCC OnLine Mad 8085* had held that being a summary proceeding, the question of rejection does not arise. The Act has not been subsequently amended after the pronouncement of the judgment to include a provision for rejection. Therefore, the very petition is not maintainable. Apart from that, admittedly there is no agreement between the landlord and the tenant.

9. For the purpose of Section 21(2)(a) to be invoked, nowhere it is contemplated upon the landlord to seek the tenant and request him to enter upon into an agreement. Section 4 read with Section 21(2)(a) make it clear that if there is no agreement after coming into force of the legislation, the landlord is entitled to file a petition under Section 21(2)(a) of the Act.

10. In the light of the above discussion, there is no merit in the revision. Accordingly, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.10.2024

nl

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No



CRP. No. 4302 of 2024

To
WEB COPY

1. The XIV Small Causes Court, Chennai.



WEB COPY



CRP. No. 4302 of 2024

V.LAKSHMINARAYANAN, J.,

nl

CRP. No. 4302 of 2024

24.10.2024