



C.R.P.No.4733 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.4733 of 2017

and

C.M.P. No.22284 of 2017

T.R. Kumar S/o. Ramakrishna Chettiar

... Petitioner

vs.

1. Srikanth S/o. Ramakrishna Chettiar

2. Rajaram S/o. Ramakrishna Chettiar

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 06.12.2017 passed in E.A. No.(un numbered) of 2017 in E.P. No.3 of 2010 in R.C.O.P No.11 of 2005 on the file of the learned Principal District Munsif (Rent Controller) Tirukovilur.

For Petitioner

: Mrs. G. Sumitra

For Respondents

: Mr. K. Ramanraj [for R1]
R2 – Not ready in notice.



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ORDER

The Civil Revision Petition is filed aggrieved by the return order made by the Court below dated 06.12.2017 raising question of maintainability.

2. The 1st respondent herein filed a Rent Control Eviction Petition against the 2nd respondent and obtained an order of eviction. The eviction order passed by the Rent Controller says that the property shall be delivered to the petitioner as well as the 1st respondent. Thereafter, the 1st respondent filed an execution petition in E.P. No.3 of 2010 seeking delivery of the vacant premises to the Advocate Commissioner. The said application was returned by the executing Court raising question of maintainability. If the petitioner feels that the petition filed by him is maintainable in law, it is for him to explain the same and re-present the application before the concerned Court. Instead of following said procedures, he is not entitled to invoke supervisory jurisdiction of this Court under Article 227 of Constitution of India.

3. Therefore, this Civil Revision Petition is disposed of with liberty to the petitioner to re-present the returned papers before the concerned Court offering his explanation for the question of maintainability within two weeks



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from the date of receipt of a copy of this order.

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4. If the Court below still entertains doubt, it can call the matter in open Court and after hearing petitioner on maintainability, can pass appropriate orders on merits. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs

To

The Principal District Munsif (Rent Controller) Tirukovilur.



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S.SOUNTHAR, J.

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