



C.R.P.No.399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

Coram

The Hon'ble Mr.Justice N.Sathish Kumar

C.R.P.No.399 of 2024

and

C.M.P.N.1904 of 2024

P.David Selladurai

... Revision Petitioner

Vs.

1. Shanthi

2. D.John Selvakumar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the judgement and decree passed in RLTA No.12 of 2023 on the file of the XXI Additional Judge, City Civil Court, Allikulam, Chennai, dated 20.09.2023.

For Revision Petitioner : Mr.S.Selvaraj

For Respondent-1 : Mr.B.Divakaran

Respondent No.2 : Notice not ready

ORDER

Aggrieved over the judgment and decree passed in RLTA No.12 of 2023 dated 20.09.2023 on the file of the Rent Control Appellate Authority/XXI Additional Judge, City Civil Court, Allikulam, in confirming the fair and final order dated 02.12.2022 made in R.L.T.O.P.No.668 of



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2021 on the file of the Rent Controller/XI Judge, Small Causes Court, Chennai, the revision petitioner has filed the above Civil Revision Petition.

2. The brief facts, which led to the filing of the Revision Petition is as follows :-

i) The first respondent herein, who is a landlady filed a Petition under Section 21 (2) of the Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017, in R.L.T.O.P.No.668 of 2021 seeking for eviction of the respondents 1 and 2, who are the revision petitioner and the second respondent herein on the ground that the revision petitioner has committed a delay in payment of rent; that apart, the building is also required for occupation of the respondent's daughter and further that the building also kept idle and not occupied for several years. The learned Rent Controller, on consideration of the vital aspect that the oral rental agreement entered into between the landlady/first respondent and the tenant/revision petitioner dated 04.03.2015 has not been registered as per the provisions contemplated in Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017, petitioner vide



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order dated 02.12.2022 allowed said Petition and ordered for eviction of first respondent/revision petitioner and so far as second respondent is concerned, the same was dismissed.

ii) As against the said order passed in R.L.T.O.P.N.668 of 2021 dated 02.12.2022, the first respondent/revision petitioner filed an Appeal in R.L.T.A.No.12 of 2023 and the learned Rent Control Appellate Authority vide judgement and decree dated 20.09.2023 dismissed the Appeal. As against which, the present Civil Revision Petition is filed.

iii) Challenging the concurrent findings of the Courts below, the present Civil Revision Petition is filed.

3. When the Revision Petition came up before this Court on an earlier occasion, i.e. on 04.11.2024, it has been stated that the revision petitioner has already filed an affidavit, undertaking to vacate the premises on or before 08.12.2024. However, since this Court found that the said affidavit is bereft of certain particulars, directed the revision petitioner to file a better affidavit.



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As per the direction issued by this Court, the revision petitioner has filed an fresh affidavit dated 13.11.2024, whereby, the revision petitioner undertook to vacate the petition premises on or before 08.12.2024. The said affidavit of undertaking is taken on record. However, the issue with regard to the registration of the oral agreement entered into between the revision petitioner/tenant and the first respondent/landlady, this Court in a decision rendered in the case of **Muruganandam Vs. J.Joseph** reported in 2022 SCC Online 375, it is held that if an agreement is not registered as per the mandate of the Act, the same is a ground for eviction. Thus, the Courts below, in the light of the laid down by this Court in the aforesaid decision, has rightly ordered for eviction against the revision petitioner/tenant. Therefore, this Court is of the view that even on merits, the Civil Revision Petition is liable to be dismissed. However, considering the fact that the revision petitioner, himself has agreed to vacate the premises, and also filed an affidavit of undertaking today (13.11.2024), this Civil Revision Petition is dismissed with a direction to the revision petitioner to vacate the premises on or before 08.12.2024. It is also to be noted that the first respondent also conceded before the Court that there was no roof available over the building



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and the building is kept under lock. The building and the superstructure has been seen in photographs and it appears that it is not fit for habitation.

4. Be that as it may, the revision petitioner filed an undertaking affidavit to vacate the premises on or before 08.12.2024 and recording the same, this Civil Revision Petition is dismissed. The Revision petitioner is directed to comply with the undertaking given him without fail. No costs. Consequently, connected CMP is closed.

13.11.2024

To

The XXI Additional Judge,
City Civil Court, Allikulam, Chennai.



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N.Sathish Kumar,J.,

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