



C.R.P.No.5185 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.5185 of 2024

and

C.M.P.No.29034 of 2024

Anwar Hussain (Deceased)

1.M.Aishath Munawara

2.M.Aishath Najiya

3.T.Aishath Razeena

4.M.Authad

5.M.Aishath Lubaina

6.Malika Anwar Hussain

7.Nooriya Thahseen

8.Shahnaz Aysha

9.Ahmed Jawad Mahmood Anwar

...

Petitioners

Vs.



C.R.P.No.5185 of 2024

M/s.Madurai Radha Travels & Tours
Rep by its Managing Partner,
Old No.17 & 18, New Door No.11,
Whannels Road, Egmore,
Chennai 600 008.

...

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the adjudication in the memo dated 05.09.2024. passed by the XVI Court of Small Causes, Chennai and with a further direction to conduct a summary proceedings in RLT O.P. No.163 of 2021 and to pass orders on merits within a time frame fixed by this Court.

For Petitioners

: Mr.N.Naren Gautam

ORDER

This civil revision petition arises against the order passed by the XVI Court of Small Causes, Chennai, in a memo dated 05.06.2024.

2.The civil revision petitioners claim that they are the landlords for the premises bearing Door Nos.17 & 18, New Door No.11, Whannels Road, Egmore, Chennai 600 008. They pleaded that earlier they had filed a RCOP invoking Section 14 (i) (b) of the Tamil Nadu Buildings (Lease and Rent) Control Act,1960 against the respondent. This RCOP was numbered as RCOP No.1527 of 2013. The eviction having been ordered, it was



C.R.P.No.5185 of 2024

challenged by the tenant and the appeal was also dismissed on 26.10.2022.

Subsequent to the order of eviction in the RCOP, RLTOP No.163 of 2021 was presented for the same premises invoking the provisions of Section 21 (2) (a) & 21 (2) (b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

3.On being served with summons, the tenant filed a counter stating that he is not occupying Door Nos.17 & 18, New Door No.11, Whannels Road, Egmore, Chennai 600 008, but he is occupying Door No.18 B of the same road. He further urged that the petitioners are not the landlords for the property under his occupation, but one Mr.K.Shivakumar, Managing Trustee of All India Muthu Ramalinga Devar Trust is the landlord. He pointed out that the Corporation of Madras is the owner of the site and the superstructure belongs to the aforesaid Trust.

4.After the counter was filed, a rejoinder was also filed by the landlords. It was pointed out that the person shown as landlord is an



C.R.P.No.5185 of 2024

Advocate, who is attempting to oust the landlords from possession of the property.

5.The pleadings having been completed, the matter was set for trial.

6.At that stage, a memo was filed by the landlords stating that as eviction has already been ordered in RCOP No.1527 of 2013 and since possession for the same premises is sought for in the RLTOP, summary proceeding may be resorted to. The learned Trial Judge rejected the memo on 05.09.2024. Hence this revision.

7.I heard Mr.N.Naren Gautam, for the civil revision petitioners. Mr.Naren Gautam states that as the landlords have already been benefited with an order of eviction, nothing remains to be tried by the Rent Controller and hence, the RLTOP should be tried as a summary proceeding and eviction should be ordered. He states that this aspect has escaped from the attention of the Rent Controller and therefore, the order requires to be revised.



C.R.P.No.5185 of 2024

WEB COPY

8.I have carefully considered the submissions and I have gone through the records.

9.The narration of the facts goes to show that the tenant pleads that he is not in occupation of the petition mentioned property. He claims that he is in possession of an adjacent property under an entirely different landlord. He has also pleaded that pursuant to the order of eviction, pending the appeal, he has vacated the petition mentioned property. The issue, whether the tenant is in occupation of the same premises or not, has to be necessarily decided after recording evidence. It cannot be tried in a summary fashion, since the tenant has denied the relationship of the landlords and tenant in this RLTOP. He has also pleaded that he is in possession of a different property on the same road.

10.That being the position, I do not find any error in the order passed by the learned XVI Court of Small Causes, Chennai, in RLT O.P. No.163 of 2021, dated 05.09.2024. Accordingly, the civil revision petition stands



C.R.P.No.5185 of 2024

WEB COPY

dismissed. Consequently, connected miscellaneous petition is closed. No costs.

11.The learned Rent Controller shall take note of the fact that the original landlord has passed away and his legal representatives are litigating for eviction. Interest of justice requires that the RLTOP Proceedings itself be expedited and the same may be disposed of on or before **30.04.2025**.

sli
Internet:Yes
Index:Yes/No
Speaking/Non speaking order
NCC: Yes/No

21.12.2024

To:
The XVI Court of Small Causes,
Chennai.



WEB COPY



C.R.P.No.5185 of 2024

V.LAKSHMINARAYANAN,J.

sli

C.R.P.No.5185 of 2024

21.12.2024