



C.R.P.No.2427 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.2427 of 2024

B.Muralidharan

... Petitioner

Vs

1.Anuvalentia @ Tina
2.Aillirani
3.Ananda Geetha
4.Amarnath
5.Arunkumar

... Respondents

Prayer : Civil Revision Petition filed under Section 25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 praying to set aside and fair and final order dated 11.09.2023 made in R.C.A.No.16 of 2018 on the file of the Rent Control Appellate Authority / Principal Subordinate Judge, Coimbatore, confirming the fair and final order dated 28.02.2018 made in RCOP.No.271 of 2012 on the file of the Principal Rent Control - Principal District Munsif Court, Coimbatore and allow the above petition.

For Petitioner : Ms.R.Divyaprethika
for Mr.R.Bharath Kumar



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ORDER

This civil revision petition arises against the order of the learned Rent Control Appellate Authority in RCA.No.16 of 2018 dated 11.09.2023 in confirming the fair and decreetal order of the Rent Controller in RCOP.No.271 of 2012, dated 28.02.2018.

2. There is no dispute in relationship between the landlords and tenant. The revision petitioner is the tenant and he was put in possession of the property by one Krishnaveni alias Krishnakumari at a monthly of Rs.1,000/- sometime in 2004. The respondents herein are the legal heirs of Krishnaveni. She died in 2008. On her death, the first respondent projected the registered Will dated 15.06.1998, and started claiming rents from the civil revision petitioner. The civil revision petitioner/tenant had admitted that he started paying the rents to the first respondent from 2008 i.e., on the death of Krishnaveni till October 2012. He states that he used to make payment and it was noted in the pocket notebook maintained by the landlord. Since the landlords failed to receive the rent from October 2012 onwards, on account of *inter se* dispute between the legal heirs of Krishnaveni, the tenant was



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constrained to approach the Rent Court under Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 in R.C.O.P.No.271 of 2012 to permit him to deposit the arrears of rent and future rent into the Court deposit.

3. After receipt of the counter from the landlords, the matter was taken up for evidence. The tenant examined himself as P.W.1 and marked the family ration card as Ext.P1. The reply notice issued to the tenant/petitioner by the landlords/respondents was marked as Ext.R1 on the side of the respondents. Apart from this, no other documents were produced by the tenant.

4. The Rent Controller had dismissed the said RCOP petition saying the mandatory provisions of Section 8(1) to 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, had not been followed.

5. Aggrieved by the same, the tenant preferred an appeal in R.C.A.No.16 of 2018 before the Principal Subordinate Judge, Coimbatore / the Rent Control Appellate Authority. The Appellate Authority concurred



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with the findings of the Rent Controller and dismissed the appeal, against which the present revision by the tenant.

6.Heard Ms.R.Divyaprethika for Mr.R.Bharath Kumar for the civil revision petitioner.

7. The position of law has been settled by the Supreme Court in ***E.Palanisamy Vs. Palanisamy (Dead), by LRs & Others*** [2002 (4) CTC 572]. The Supreme Court had held that if the tenant wants to avail the benefit of Section 8(5) of the Rent Control Act, he/she should follow each and every step contemplated under Section 8(2) to Section 8(4) of said Act. It is held that a mere refusal of the landlord to receive rent cannot justify the action of the tenant in straight away invoking Section 8(5) of the Act without following the procedure contained in the earlier sub-sections i.e. sub-sections (2), (3) and (4) of Section 8.

8. Thus if inspite of all steps being taken by the tenant to tender the rent to the landlord as per the provisions contemplated under Section 8(2) to 8(4) of the Act and the landlord fails to receive the rent, then the tenant is



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entitled to move an application under Section 8(5) of the Act as stated above.

However, it is seen from the records of the present case that apart from the family ration card, no other document was produced by the tenant to substantiate that he had followed the provisions contemplated under Section 8(2) to 8(4) which is a condition precedent before invoking Section 8(5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. When the mandatory provisions as contemplated under the said Act are not followed by the tenant, the Rent Controller is left with no other option than to dismiss the petition.

9. I do not find any illegality or irregularity in the order of the learned Rent Control Authority in RCA.No.16 of 2018 dated 11.09.2023 in confirming the fair and decreetal order of the Rent Controller dismissing the RCOP.No.271 of 2012, dated 28.02.2018.

10. The revision petition is accordingly dismissed. No costs.

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Index:Yes/No



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Neutral Citation : Yes / No
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To:

- 1.The Principal Subordinate Judge /
Rent Control Appellate Authority
Coimbatore.
- 2.The Principal District Munsif /
Principal Rent Controller
Coimbatore.
- 3.The Section Officer,
VR Section, High Court, Chennai.



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V.LAKSHMINARAYANAN,J.

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